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Legislative History – Montana Session Law

Chapter: 198

Session L: 1999

Checklist of Bill History

Bill Number: SB 222

History and Final Status Sheet ☒

Introduced Bill ☒

Fiscal Note ☐

Third Reading Bill ☒

Final Version of Bill ☒

House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): 03/8/1999 (hearing), 03/09/1999 (executive action)	Hearing Date(s): 01/25/1999 (hearing and executive action)
Committee Report:	Committee Report:

Compiler Notes

Compiled by: FLR

Date: January 23, 2025

The History and Final Status indicates that the Senate Judiciary Committee passed the bill as an Executive Action on 01/26/1999. This vote happened on 01/25/1999, as indicated by the committee minutes.

Senate Hearing (01/25/1999): SB 222 was discussed between 10:20 and 10:28. There were no exhibits. The opening statement was from Sen. Steve Doherty. There are no notations as to the content of the discussion. This hearing would be on a cassette tape held by the Montana Historical Society, which is presently closed.

House Hearing (03/08/1999): SB 222 was discussed on Tape 1, Side B, Count 012 and continues for the entire side of that cassette tape. There are notes on the tape log about the content of the discussion. Additionally, there was an exhibit from Justice W. William Leapheart. This hearing would be on a cassette tape held by the Montana Historical Society, which is presently closed.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
03/30/99	Chapter Number Assigned				
03/26/99	(S) Signed by Governor				
03/24/99	(S) Transmitted to Governor				
03/24/99	(H) Signed by Speaker				
03/23/99	(S) Signed by President				
03/22/99	(C) Printed - New Version Available				
03/22/99	(S) Returned from Enrolling				
03/19/99	(S) Sent to Enrolling				
03/19/99	(S) 3rd Reading Passed as Amended by House		44	0	
03/19/99	(S) Scheduled for 3rd Reading				
03/18/99	(S) 2nd Reading House Amendments Concurred		48	0	
03/18/99	(S) Scheduled for 2nd Reading				
03/17/99	(S) 2nd Reading Pass Consideration				
03/17/99	(S) Scheduled for 2nd Reading				
03/15/99	(H) Returned to Senate with Amendments				
03/15/99	(H) 3rd Reading Concurred		65	32	
03/15/99	(H) Scheduled for 3rd Reading				
03/13/99	(H) 2nd Reading Concurred		66	33	
03/13/99	(H) Scheduled for 2nd Reading				
03/10/99	(C) Printed - New Version Available				
03/10/99	(H) Committee Report--Bill Concurred as Amended	(H) Judiciary			
03/09/99	(H) Committee Executive Action--Bill Concurred as Amended	(H) Judiciary	14	6	
03/08/99	(H) Hearing	(H) Judiciary			
02/16/99	(H) Referred to Committee	(H) Judiciary			
02/16/99	(H) First Reading				
01/28/99	(S) Transmitted to House				
01/28/99	(S) 3rd Reading Passed		49	0	
01/28/99	(S) Scheduled for 3rd Reading				
01/27/99	(S) 2nd Reading Passed		50	0	
01/27/99	(S) Scheduled for 2nd Reading				
01/26/99	(S) Committee Report--Bill Passed	(S) Judiciary			

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
01/26/99	(S) Committee Executive Action--Bill Passed	(S) Judiciary	8	0	
01/25/99	(S) Hearing	(S) Judiciary			
01/18/99	(C) Introduced Bill Text Available Electronically				
01/18/99	(S) Referred to Committee	(S) Judiciary			
01/18/99	(S) First Reading				
01/18/99	(S) Introduced				
01/15/99	(C) Draft Delivered to Requester				
01/12/99	(C) Draft Ready for Delivery				
01/12/99	(C) Draft in Assembly/Executive Director Review				
01/12/99	(C) Draft in Final Drafter Review				
01/12/99	(C) Bill Draft Text Available Electronically				
01/12/99	(C) Draft in Input/Proofing				
01/12/99	(C) Draft to Drafter - Edit Review [JLN]				
01/12/99	(C) Draft in Legal Review				
01/05/99	(C) Draft to Requester for Review				
01/05/99	(C) Draft Request Received				

Senate BILL NO. 222

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INTRODUCED BY

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Donna Edwards
(Primary Sponsor)
Grisfield, Halley

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BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH
SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW;
REPEALING SECTIONS 37-61-101, 37-61-204, 37-61-206, 37-61-208, AND 37-61-209, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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WHEREAS, Article VII, section 2, of the Montana Constitution provides that the Montana Supreme

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Court may make rules for admission to the bar and the conduct of its members.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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NEW SECTION. Section 1. Repealer. Sections 37-61-101, 37-61-204, 37-61-206, 37-61-208,

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and 37-61-209, MCA, are repealed.

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NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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- END -

Senate BILL NO. 222

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INTRODUCED BY

Donna
(Primary Sponsor)
Grisfield, Halley

BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW; REPEALING SECTIONS 37-61-101, 37-61-204, 37-61-206, 37-61-208, AND 37-61-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Article VII, section 2, of the Montana Constitution provides that the Montana Supreme Court may make rules for admission to the bar and the conduct of its members.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Repealer. Sections 37-61-101, 37-61-204, 37-61-206, 37-61-208, and 37-61-209, MCA, are repealed.

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

- END -

Senate BILL NO. 222

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INTRODUCED BY Donna
Grisfield (Primary Sponsor)
Walby

BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW; REPEALING SECTIONS 37-61-101, 37-61-204, 37-61-206, 37-61-208, AND 37-61-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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NEW SECTION. Section 1. Repealer. Sections 37-61-101, 37-61-204, 37-61-206, 37-61-208, and 37-61-209, MCA, are repealed.

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

- END -

SENATE BILL NO. 222

INTRODUCED BY S. DOHERTY, L. GROSFIELD, M. HALLIGAN

BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH
SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW;
REPEALING SECTIONS 37-61-101, 37-61-202, 37-61-204, 37-61-205, 37-61-206, 37-61-208, AND
37-61-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Article VII, section 2, of the Montana Constitution provides that the Montana Supreme
Court may make rules for admission to the bar and the conduct of its members.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Repealer. Sections 37-61-101, 37-61-202, 37-61-204, 37-61-205,
37-61-206, 37-61-208, and 37-61-209, MCA, are repealed.

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

- END -

1 SENATE BILL NO. 222

2 INTRODUCED BY S. DOHERTY, L. GROSFIELD, M. HALLIGAN
3 BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH
6 SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW;
7 REPEALING SECTIONS 37-61-101, 37-61-202, 37-61-204, 37-61-205, 37-61-206, 37-61-208, AND
8 37-61-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10 WHEREAS, Article VII, section 2, of the Montana Constitution provides that the Montana Supreme
11 Court may make rules for admission to the bar and the conduct of its members.

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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16 37-61-206, 37-61-208, and 37-61-209, MCA, are repealed.

17
18 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

19 - END -



AN ACT ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW; REPEALING SECTIONS 37-61-101, 37-61-202, 37-61-204, 37-61-205, 37-61-206, 37-61-208, AND 37-61-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Article VII, section 2, of the Montana Constitution provides that the Montana Supreme Court may make rules for admission to the bar and the conduct of its members.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Repealer. Sections 37-61-101, 37-61-202, 37-61-204, 37-61-205, 37-61-206, 37-61-208, and 37-61-209, MCA, are repealed.

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

DATE _____

[illegible]



SENATE STANDING COMMITTEE REPORT

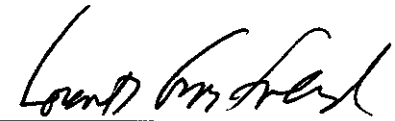
January 25, 1999

Page 1 of 3

Mr. President:

We, your committee on **Judiciary** report that **Senate Bill 213** (first reading copy -- white) do pass as amended.

Signed:


Senator Lorents Grosfield, Chair

And, that such amendments read:

1. Title, line 4.

Following: "CERTAIN"

Strike: "SPECIFIC CRIMES"

Insert: "CRIMINAL PROVISIONS"

2. Title, line 6.

Strike: "AMENDING SECTION 45-2-311, MCA;"

3. Title, line 7.

Strike: "45-5-204, 45-5-210,"

Following: "45-5-221"

Strike: ", "

4. Page 1, line 27 through line 28.

Following: "reasons." on line 27

Strike: remainder of line 27 through "in" on line 28

Insert: "(1) When"

Following: first "a"

Insert: "criminal"

Following: "sentence,"

Insert: "the sentencing judge"

5. Page 1, line 28 through line 29.

Following: "that the" on line 28

Committee Vote:

Yes 5, No 4.

191305SC.srf



Strike: remainder of line 28 through "intentionally" on line 29
Insert: "offender purposely or knowingly"

6. Page 1, line 30.

Strike: "because of the actual or perceived position, employment,
or status of the victim"

Following: third "or"

Insert: "purposely or knowingly"

7. Page 2, line 1.

Following: "damaged"

Insert: ", defaced,"

Following: "employment,"

Insert: "dignity,"

8. Page 2, line 2.

Following: first "of"

Strike: "the victim"

Insert: "any person"

9. Page 2, line 7.

Insert: "(2) For purposes of this section, the following
definitions apply:

(a) "Defaced" includes but is not limited to cross-burning
or the placing of any word or symbol commonly associated with
racial, religious, or ethnic identity or activity on the property
of another, without the person's permission, or on public
property.

(b) "Dignity" means those aspects of individual dignity
specifically enumerated in Article II, section 4, of the Montana
constitution.

(c) "Position" means social, community, or professional
position.

(d) "Status" means lifestyle, character, reputation, or
physical or mental appearance or condition."

10. Page 2, line 8 through page 3, line 1.

Strike: section 2 in its entirety

Renumber: subsequent sections

11. Page 3, line 3.

Strike: "45-5-204, 45-5-210,"

Following: "45-5-221"

Strike: ", "

- END -



SENATE STANDING COMMITTEE REPORT

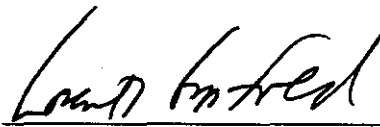
January 25, 1999

Page 1 of 2

Mr. President:

We, your committee on Judiciary report that Senate Bill 165 (first reading copy -- white) do pass as amended.

Signed:


Senator Lorents Grosfield, Chair

And, that such amendments read:

1. Title, line 5 through line 7.

Following: "VEHICLE;" on line 5

Strike: remainder of line 5 through "LIEN" on line 7

Insert: "REVISING THE AGISTERS' LIEN LAWS TO INCLUDE TOWING AND STORAGE LIENS; AND AMENDING SECTION 71-3-1201, MCA"

2. Page 1, line 11 through page 3, line 16.

Strike: everything following the enacting clause

Insert: "Section 1. Section 71-3-1201, MCA, is amended to read:

"71-3-1201. Who may have lien -- agisters' lien -- lien for service -- towing and storage lien. (1) If there is an express or implied contract for keeping, feeding, herding, pasturing, or ranching stock, a ranchman, farmer, agister, herder, hotelkeeper, livery, or stablekeeper to whom any horses, mules, cattle, sheep, hogs, or other stock are entrusted has a lien upon ~~such the~~ stock for the amount due for keeping, feeding, herding, pasturing, or ranching the stock and may retain possession ~~thereof of the stock~~ until the sum due is paid.

(2) Every person who, while lawfully in possession of an article of personal property, renders any service to the owner or lawful claimant ~~thereof of the article~~ by labor or skill employed for the making, repairing, protection, improvement, safekeeping, or carriage ~~thereof, towing, or storage of the article~~ has a special lien ~~thereon, on it.~~ The lien is dependent on possession, ~~and is~~ for the compensation, if any, that is due to ~~him the person~~ from the owner or lawful claimant for ~~such the~~ service and for material, if any, furnished in connection

Committee Vote:

Yes 8, No 0.

191319SC.srf

SN

therewith with the service. If the service is the towing and storage of a motor vehicle, the lien is for the reasonable cost of the towing and storage.

(3) If the article of personal property against which a lien is claimed under subsection (2) is a motor vehicle, notice of the lien must be filed with the department of justice in accordance with the provisions of 61-3-103."

- END -



SENATE STANDING COMMITTEE REPORT

January 25, 1999

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **Senate Bill 222** (first reading copy -- white) do pass.

Signed:

A handwritten signature in cursive script, appearing to read "Lorents Grosfield", is written over a horizontal line.

Senator Lorents Grosfield, Chair

- END -

Committee Vote:

Yes 8, No 0.

191327SC.srf

Handwritten initials, possibly "SA", in cursive script.

MONTANA SENATE
1999 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 1-25-99 BILL NO. 58213 NUMBER # 1

MOTION: Sen Bartlett moved that SB213 Be Amended
by striking from the Repealed section "45-5-201"
and changing the verb from "are" to "is".

[illegible]

MONTANA SENATE
1999 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 1-25-99 BILL NO. SB213 DPAA NUMBER # 2

MOTION: Sen. McNutt moved that
SB 213 Do Pass as Amended.

[illegible]



MONTANA STATE SENATE

1-22-99

I agree to Vote
For SB 213.

Oppose any Motion
To table SB 213.

Sen. Ric Holden

DATE 1-25-79

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: _____

S.B. 75, S.B. 221, S.B. 222

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Steve Bullock		Justice	75	x	
Kathy Seeley		Justice	75	X	
Jimmy Weg		Justice - DCI	75	X	
John Connor		A.G. - MCAA	221	✓	
TOO THIN		Montana Nurses' Assoc	75		✓
Len Zaender		Int Med Assn	75		✓
Steve Browning		MHA (Hospitals)	75		✓
Craig Sweet		INT PIRE	75	✓	
Mark York		Neurosurgeons & Thoracic Anesthet, ENT	75		✓
Wally Melcher		ND SAC	75	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

LEGISLATIVE TAPE LOG

COMMITTEE:

Judiciary

DATE:

1-25-99

MINUTES

CONTENT NOTES

10:00

Opening on SB 250
Sen. Bartlett

10:16

Closing by Sponsor

10:20

Hearing on SB 222
Opening by Sen. Steve Doherty

Hearing on SB 221

10:28

Hearing on SB 25
Opening by Sen. Halligan

Proponents Testimony
Steve Bullock

10:36

Wally Meliker
Anita Rossano

10:50

Opponents Testimony
Gerry Loenderg
Rose Hughes

Susan Ford
Steve Browning

11:11

Questions from Committee Members

LEGISLATIVE TAPE LOG

COMMITTEE:

DATE:

MINUTES

CONTENT NOTES

11:43

Executive Action on SB212

Executive Action on SB165

Executive Action on SB222

12:12

Adjourn

**SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 27, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Jergeson and Toews, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the twentieth legislative day, find the same to be correct.

Miller, Chairman

MOTIONS

Senator Harp moved the Senate stand in recess until the hour of 1:23 p.m. for purpose of party caucuses. Motion carried.

Senate recessed at 1:03 p.m.

Senate reconvened at 1:32 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

1/27/1999

Correctly printed: SB 128, SB 155, SB 222, SB 230, SB 231, SB 259, SB 290, SB 291, SB 292, SB 293, SB 294, SB 295.

Correctly engrossed: SB 68, SB 115, SB 165, SB 213.

Correctly enrolled: SJR 1.

Signed by the Secretary of Senate at 1:08 p.m., January 27, 1999: SJR 1.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):

1/26/1999

SB 217, do pass. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

1/26/1999

SB 40, do pass. Report adopted.

TAXATION (Devlin, Chairman):

1/27/1999

SB 200, introduced bill, be amended as follows:

1. Page 5, line 20.

Strike: "and for each succeeding tax year"

2. Page 5, line 24.

Strike: "the"

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 1999

Following: "year"

Insert: "2004"

3. Page 5.

Following: line 24

Insert: "(g) For tax year 2005 and for each succeeding tax year, the amount of the tax credit is the amount that results from multiplying the lesser of the market value of the personal property owned by the taxpayer in a county or \$4 million by the tax rate applicable to personal property described in 15-6-138 and by multiplying the resulting product by the average statewide mill levy applied to class eight personal property in the tax year."

4. Page 6, line 11.

Following: line 10

Insert: "(9) If the credit allowed under this section is claimed and a credit is also claimed under either [section 6] or [section 9], then the credit under [section 6] or [section 9] must be applied to the taxpayer's liability before the credit under this section is applied to the taxpayer's liability."

5. Page 7, line 10.

Strike: "and"

6. Page 7, line 12.

Strike: "."

Insert: "; and"

7. Page 7, line 13.

Following: line 12

Insert: "(c) must pay at least the qualifying annual salary."

8. Page 8, line 10.

Following: "jobs"

Insert: "by 20% or more"

9. Page 9, line 6.

Strike: "70%"

Insert: "80%"

10. Page 9, line 15.

Strike: "50%"

Insert: "25%"

11. Page 9, line 16.

Following: "program"

Insert: ", but if less than a combined total of \$2 million in credits is claimed for the tax years 2000 and 2001, then in tax year 2002 and succeeding years, an amount equal to 50% of the qualifying wages paid to each person enrolled in a qualified job training program"

12. Page 9, line 19.

Strike: "10%"

Insert: "5%"

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 1999

13. Page 9.

Following: line 19

Insert: "(3) The credit allowed by this section applies to job training that occurs during the first year of operation of a new business or the first year of expansion of an expanding business. A business that has additional expansion, subject to the conditions of [section 8(1)], is entitled to the credit for the additional expansion."

Renumber: subsequent subsections

14. Page 35, line 6.

Strike: "10"

Insert: "7"

15. Page 35.

Following: line 6

Insert: "(5) [Sections 8 through 10] apply to qualified job training programs that begin after July 1, 1999."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/26/1999

HB 66, introduced by J. Cobb
HB 116, introduced by D. McGee
HB 167, introduced by R. Johnson
HB 175, introduced by K. Gillan
HB 194, introduced by J. Cobb
HB 197, introduced by J. Cobb
HB 198, introduced by J. Cobb
HB 200, introduced by J. Cobb
HB 212, introduced by T. Hagener
HB 229, introduced by D. Ewer
HB 250, introduced by B. Rehbein

MOTIONS

SB 66 - Senator Bohlinger moved that SB 66 be taken from the table in the Judiciary Committee, printed and placed on second reading. Motion **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 21

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 29

SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 1999

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 66 - Senator Harp moved that the Senate indefinitely postpone the question of taking SB 66 from the table in the Judiciary Committee. Motion **carried** as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 29

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 296, introduced by L. Nelson, D. Hedges, R. Jabs, G. Jergeson, S. Kitzenberg, B. Rehbein, J. Tester, referred to Business and Industry.

SB 297, introduced by B. DePratu, referred to Taxation.

SB 298, introduced by T. Keating, referred to Finance and Claims.

SB 299, introduced by J. Hertel, referred to Education and Cultural Resources.

SB 300, introduced by J. Hertel, referred to Education and Cultural Resources.

SB 301, introduced by T. Keating, referred to Finance and Claims.

SB 302, introduced by D. Toews, P. Ekegren, G. Jergeson, S. Kitzenberg, referred to Natural Resources.

SB 303, introduced by F. Thomas, S. Anderson, referred to Judiciary.

SB 304, introduced by D. Hargrove, B. Simon, referred to Business and Industry.

SB 305, introduced by F. Thomas, referred to Labor and Employment Relations.

SB 306, introduced by D. Grimes, S. Bartlett, R. Clark, J. Ellingson, L. Grosfield, M. Halligan, L. Soft, F. Thomas, referred to Judiciary.

SB 307, introduced by D. Grimes, R. Clark, D. Ewer, L. Grosfield, H. Harper, S. Orr, referred to Business and Industry.

SB 308, introduced by J. Bohlinger, referred to Taxation.

SB 309, introduced by J. Bohlinger, referred to Education and Cultural Resources.

SB 310, introduced by A. Mohl, referred to Taxation.

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SB 311, introduced by A. Mohl, referred to Taxation.

SB 312, introduced by M. Halligan (by request of Joint Select Committee on CI-75), referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 2, introduced by J. Harp (by request of Senate Rules Committee), referred to Rules.

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by T. Zook (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 27, introduced by M. Noennig, referred to Judiciary.

HB 29, introduced by K. Ohs (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 30, introduced by R. Peck (by request of the Department of Commerce), referred to Agriculture, Livestock and Irrigation.

HB 32, introduced by R. Johnson (by request of the Department of Commerce), referred to Business and Industry.

HB 36, introduced by J. Quilici (by request of the Department of Military Affairs), referred to State Administration.

HB 38, introduced by R. Peck (by request of the Code Commissioner), referred to Judiciary.

HB 41, introduced by T. Hagener (by request of the Supreme Court), referred to Judiciary.

HB 44, introduced by R. Johnson (by request of the Department of Commerce), referred to Public Health, Welfare and Safety.

HB 48, introduced by D. McGee, C. Christiaens (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.

HB 52, introduced by R. Menahan (by request of the Department of Military Affairs), referred to Public Health, Welfare and Safety.

HB 55, introduced by R. Peck, referred to State Administration.

HB 58, introduced by C. Younkin (by request of the Petroleum Tank Release Compensation Board), referred to Natural Resources.

HB 63, introduced by B. Simon, referred to Business and Industry.

HB 64, introduced by M. McCann, referred to Finance and Claims.

HB 65, introduced by C. Ahner (by request of the Department of Corrections), referred to Judiciary.

HB 66, introduced by J. Cobb, referred to State Administration.

HB 70, introduced by J. Hurdle (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

HB 71, introduced by S. Rose, referred to Education and Cultural Resources.

HB 73, introduced by S. Rose, referred to Business and Industry.

HB 75, introduced by C. Ahner (by request of the Department of Military Affairs), referred to Finance and Claims.

HB 76, introduced by R. Somerville, referred to Judiciary.

HB 81, introduced by R. Menahan, referred to Judiciary.

HB 82, introduced by H. Harper (by request of the State Tax Appeal Board), referred to Taxation.

HB 90, introduced by T. Hagener (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

HB 91, introduced by B. Simon, referred to Local Government.

HB 93, introduced by B. Pavlovich (by request of the Joint Interim Subcommittee on Veterans' Needs), referred to Fish and Game.

HB 94, introduced by J. Cobb (by request of Department of Justice), referred to Judiciary.

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- HB 95**, introduced by B. Story (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
- HB 99**, introduced by T. Hagener, referred to Local Government.
- HB 101**, introduced by S. Bookout-Reinicke (by request of the Department of Environmental Quality and the Department of Public Health and Human Services), referred to Labor and Employment Relations.
- HB 116**, introduced by D. McGee (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.
- HB 123**, introduced by R. Menahan (by request of the Department of Justice), referred to Local Government.
- HB 138**, introduced by H. Harper (by request of the Department of Transportation), referred to Taxation.
- HB 139**, introduced by H. Harper (by request of the Department of Transportation), referred to Taxation.
- HB 151**, introduced by J. Witt, referred to Local Government.
- HB 154**, introduced by S. Gallus (by request of the State Auditor), referred to Business and Industry.
- HB 167**, introduced by R. Johnson, referred to Business and Industry.
- HB 170**, introduced by G. Masolo (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
- HB 171**, introduced by G. Matthews (by request of State Auditor), referred to Business and Industry.
- HB 172**, introduced by C. Hibbard (by request of the Department of Transportation), referred to Highways and Transportation.
- HB 175**, introduced by K. Gillan, referred to State Administration.
- HB 176**, introduced by E. Bergsagel (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.
- HB 179**, introduced by P. Sliter (by request of the Department of Labor and Industry), referred to Labor and Employment Relations.
- HB 180**, introduced by L. Soft (by request of the Department of Public Health and Human Services), referred to Judiciary.
- HB 187**, introduced by J. Tropila (by request of the Department of Transportation), referred to Highways and Transportation.
- HB 189**, introduced by J. Barnett (by request of the Department of Transportation), referred to Highways and Transportation.
- HB 190**, introduced by L. Soft (by request of the Joint Oversight Committee on Children and Families), referred to Public Health, Welfare and Safety.
- HB 194**, introduced by J. Cobb, referred to State Administration.
- HB 196**, introduced by J. Cobb, referred to Business and Industry.
- HB 197**, introduced by J. Cobb, referred to State Administration.
- HB 198**, introduced by J. Cobb, referred to State Administration.
- HB 200**, introduced by J. Cobb, referred to Labor and Employment Relations.
- HB 201**, introduced by J. Cobb, referred to Business and Industry.
- HB 207**, introduced by R. Johnson, referred to Finance and Claims.
- HB 210**, introduced by R. Johnson, referred to Local Government.
- HB 212**, introduced by T. Hagener, C. Christiaens, J. Hertel, J. Witt, referred to Local Government.
- HB 215**, introduced by D. Ewer, P. Clark, referred to Fish and Game.
- HB 229**, introduced by D. Ewer, referred to Business and Industry.
- HB 250**, introduced by B. Rehbein, C. Hibbard, R. Lenhart, D. Mood, L. Nelson, G. Roush, referred to Business and Industry.
- HB 255**, introduced by S. Anderson, referred to Judiciary.
- HB 266**, introduced by M. Guggenheim, referred to Public Health, Welfare and Safety.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Berry in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 115 - Senator Stang moved SB 115 do pass. Motion carried unanimously.

SB 165 - Senator J. Lynch moved SB 165 do pass. Motion carried unanimously.

SB 222 - Senator S. Doherty moved SB 222 do pass. Motion carried unanimously.

SB 230 - Senator D. Grimes moved SB 230 do pass. Motion carried unanimously.

SB 231 - Senator R. Jabs moved SB 231 do pass. Motion carried unanimously.

SB 259 - Senator D. Grimes moved SB 259 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Sprague.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Berry moved the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 68 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel,

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Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 155 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Thursday, January 28, 1999. Motion carried.

Senate adjourned at 2:52 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate

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Helena, Montana
January 28, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Pastor Ron Ellis. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Franklin and Roush, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the twenty-first legislative day, find the same to be correct.

Miller, Chairman

Senator Franklin present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

1/28/1999

Correctly printed: SB 40, SB 115, SB 165, SB 217, SB 222, SB 230, SB 231, SB 259, SB 296, SB 297, SB 298, SB 299, SB 300, SB 301, SB 302, SB 303, SB 304, SB 305, SB 306, SB 307, SB 308, SB 309, SB 310, SB 311, SB 312, SR 2.

Correctly engrossed: SB 133, SB 200.

Signed by the President at 8:30 a.m., January 28, 1999: SJR 1.

Signed by the Speaker at 10:15 a.m., January 28, 1999: SJR 1.

Delivered to the Secretary of State at 11:24 a.m., January 28, 1999: SJR 1.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

1/27/1999

SB 133, introduced bill, be amended as follows:

1. Title, line 7.

Following: "STATE;"

Insert: "IMPOSING A SPECIAL SPEED LIMIT ON U.S. HIGHWAY 93;"

Following: "LIMITS;"

Insert: "ALTERING THE SPEED LIMITS LOCAL AUTHORITIES CAN SET;"

2. Title, line 10.

Following: "LIMITS"

Insert: "ON CERTAIN HIGHWAYS"

3. Title, line 11 through line 12.

Following: "PURPOSES;" on line 11

Strike: remainder of line 11 through "HOUSETRAILER;" on line 12

4. Title, line 13.

Following: "MCA"

Strike: "AND"

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5. Title, line 14.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

6. Page 1, line 18 through page 8, line 15.

Strike: everything following the enacting clause

Insert: "Section 1. Section 7-14-2113, MCA, is amended to read:

"7-14-2113. **County authority to establish speed limits.** A board of county commissioners may, by ordinance, establish a special speed limit in accordance with ~~61-8-306 and~~ 61-8-310 on any county road."

Insert: "Section 2. Section 61-8-303, MCA, is amended to read:

"61-8-303. **Speed restrictions -- basic rule.** (1) A person ~~operating or driving shall operate~~ a vehicle of any character on a public highway of this state ~~shall drive the vehicle~~ in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, ~~condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead~~ visibility, weather, and roadway conditions. ~~The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.~~

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in [section 3] and this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of the following limits 25 miles an hour in an urban district is unlawful:

~~(a) 25 miles per hour in an urban district;~~

~~(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.~~

~~(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.~~

~~(4)(3)~~ The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."~~

Insert: "NEW SECTION. Section 3. **Speed limits -- exception to basic rule.** (1) Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) A speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303(1).

(5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(6) The speed limits set forth in this section may be altered by the commission or a local authority as

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authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

Insert: "NEW SECTION. Section 4. Penalty for violation of speed limits -- no record for certain violations.

(1) Subject to subsection (2), a person violating the speed limit imposed pursuant to [section 3] is guilty of a misdemeanor and shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
\$20	1 - 10 (daytime)
25	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31 +

(2) A violation of a speed limit imposed pursuant to [section 3] may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(a) 10 miles an hour during the daytime; or

(b) 5 miles an hour during the nighttime."

Insert: "Section 5. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones. (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or [section 3] is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location; or ~~any other part on a segment~~ of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list ~~must be completed by October 1, 1997, and~~ must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a statewide speed limit."

Insert: "Section 6. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303, ~~and 61-8-309 through 61-8-313,~~ and [section 3] is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

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(b) increases the limit within an urban district, but not to more than ~~55~~ 65 miles ~~per an~~ hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than ~~45~~ 35 miles ~~per an~~ hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 or [section 3] for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

Insert: "Section 7. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles towing house trailers. (1) ~~A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000 pounds, at a speed greater than 65 miles an hour~~ Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

(a) those completed sections of interstate is 75 miles an hour; and

(b) four-lane divided highways is 70 miles an hour during the daytime and 65 miles an hour during the nighttime as those terms are defined in [section 3]; and

(c) 60 miles an hour on those completed sections of primary and secondary highways is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in [section 3]. However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.

(2) ~~A person may not operate~~ Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) at a speed greater than is 55 65 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(4) A person may not operate a vehicle that is towing a house trailer at a speed greater than a maximum of 50 miles an hour."

Insert: "Section 8. Section 61-9-415, MCA, is amended to read:

"61-9-415. Slow-moving vehicles. (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road, or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2) ~~of this section~~. The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction; and must be a based-down

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equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway; and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 or [section 3] does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle."

Insert: "Section 9. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle ~~which~~ that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in [section 4(2)], 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle."

Insert: "NEW SECTION. Section 10. Relationship between speed limits and basic rule. (1) The maximum numerical speed limits imposed under this part do not authorize speeds higher than those required for the careful and prudent operation of a vehicle as required by 61-8-303(1).

(2) The basic rule imposed by 61-8-303(1), requiring careful and prudent operation of a vehicle, does not authorize speeds higher than those established by the maximum numerical speed limits imposed under this part."

Insert: "NEW SECTION. Section 11. Codification instruction. (1) [Sections 3 and 10] are intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to

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[sections 3 and 10].

(2) [Section 4] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 4]."

Insert: "NEW SECTION. Section 12. Repealer. Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed."

Insert: "NEW SECTION. Section 13. Effective date. [This act] is effective May 28, 1999."

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):
SB 180, introduced bill, be amended as follows:

1/27/1999

1. Title, line 5.

Following: "ACQUISITION"

Insert: "OR DISPOSITION"

2. Page 1, line 12.

Following: "acquisitions"

Insert: "or dispositions"

Following: "proposes" on line 12

Insert: "to dispose of real property or"

3. Page 1, line 15.

Following: "acquisition " on line 15

Insert: "or disposition"

4. Page 1, line 16.

Strike: "the acquisition's" on line 16

Following: "finalization" on line 16

Insert: "of the acquisition or disposition"

5. Page 1, lines 18, 19, 20, 26, 27, and 28.

Following: "acquisition"

Insert: "or disposition"

And, as amended, do pass. Report adopted.

SB 207, introduced bill, be amended as follows:

1. Page 2, line 8.

Strike: "or"

Following: "scientific"

Insert: ", or adult or juvenile correctional or detention"

2. Page 2, line 27.

Following: line 27

Insert: "NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

SENATE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 1999

the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):

1/28/1999

SB 99, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: "dependents."

Insert: "Renewals of coverage under this section must provide for the same level of benefits as are available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated members of the group. Dependent special enrollment must be allowed under the terms of 33-22-523(2) and (3)."

And, as amended, do pass. Report adopted.

SB 114, introduced bill, be amended as follows:

1. Title, line 8 through line 9.

Following: "THAT"

Strike: the remainder of line 8 through "RECEIVING" on line 9

Insert: "PUBLIC AND PRIVATE ENTITIES PROVIDING"

Strike: "IS CONSIDERED" on line 9

Insert: "ARE NAMED INSURED OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

2. Title, line 10 through line 13.

Following: "COMPENSATION"

Strike: the remainder of line 10 through "WORKSITE" on line 13

Insert: "COVERAGE"

3. Page 2, line 26.

Strike: "employer's"

Insert: "entity's"

4. Page 2, line 30 through page 3, line 1.

Strike: "Premiums" on page 2, line 30 through "[section 5]." on page 3, line 1

Insert: "The department of public health and human services shall provide workers' compensation coverage for participants in the FAIM project who are placed at public or private worksites through an endorsement to the department of public health and human services' workers' compensation policy naming the public or private worksite entities as named insureds under the policy. The endorsement may cover only the entity's FAIM participants and may only be for the duration of each participant's training in the FAIM project under a written agreement between the department of public health and human services and each public or private entity. The department of public health and human services may not provide workers' compensation coverage for individuals who are covered for workers' compensation purposes by another state or federal employment training program."

5. Page 3, lines 2 and 3.

Following: "the" on line 2

Strike: the remainder of line 2 through "employee" on line 3

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TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 1999

Insert: "wage that a probationary employee is paid for work of a similar nature at the assigned worksite"

6. Page 9, line 23.

Strike: "entity"

Strike: "business"

Insert: "entity"

7. Page 9, line 27.

Strike: "employer"

Insert: "entity"

Following: "worksite"

Insert: "under a written training agreement between the department of public health and human services and the entity"

8. Page 10, line 4.

Strike: "business"

Strike: "governmental"

Insert: "public"

9. Page 10, line 8 through line 27.

Strike: section 5 in its entirety

Renumber: subsequent sections

10. Page 10, line 29.

Strike: "[Sections 4 and 5] are"

Insert: "[Section 4] is"

11. Page 11, line 1.

Strike: "[sections 4 and 5]"

Insert: "[section 4]"

And, as amended, do pass. Report adopted.

SB 197, introduced bill, be amended as follows:

1. Page 1, line 19 through line 20.

Strike: "operates a youth care facility and"

Following: "residing in"

Strike: "the"

Insert: "a youth care"

And, as amended, do pass. Report adopted.

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TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 1999

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/27/1999

HB 47, introduced by S. Anderson
HB 53, introduced by R. Clark
HB 125, introduced by R. Johnson
HB 136, introduced by C. Williams
HB 156, introduced by J. Tropila
HB 186, introduced by R. Peck
HB 192, introduced by J. Andersen
HB 214, introduced by D. McGee
HB 220, introduced by S. Rose
HB 254, introduced by R. Somerville
HB 264, introduced by D. Wyatt
HB 277, introduced by B. Pavlovich
HB 283, introduced by C. Younkin
HB 284, introduced by B. Story

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 313, introduced by K. Mesaros, W. Crismore, L. Grosfield, K. Ohs, B. Tash, referred to Natural Resources.
SB 314, introduced by D. Grimes, K. Ohs, referred to Natural Resources.
SB 315, introduced by J. Wells, C. Ahner, P. Bergsagel, D. Ewer, D. Grimes, D. Hargrove, A. Mohl, referred to Business and Industry.
SB 316, introduced by L. Nelson, D. Adams, E. Clark, W. Crismore, G. Devlin, D. Hedges, R. Jabs, S. Kitzenberg, R. Lenhart, M. McCann, B. Ryan, S. Stang, L. Taylor, J. Witt, referred to Natural Resources.
SB 317, introduced by T. Beck, referred to State Administration.
SB 318, introduced by W. McNutt, G. Devlin, M. Hanson, D. Hedges, B. Kasten, S. Kitzenberg, R. Lenhart, G. Matthews, L. Nelson, B. Rehbein, F. Smith, referred to Business and Industry.
SB 319, introduced by R. Holden, L. Soft, referred to Judiciary.
SB 320, introduced by R. Holden, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 47, introduced by S. Anderson (by request of the State Auditor), referred to Business and Industry.
HB 53, introduced by R. Clark (by request of the Department of Corrections), referred to Judiciary.
HB 125, introduced by R. Johnson (by request of State Library Commission), referred to Education and Cultural Resources.
HB 136, introduced by C. Williams (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 156, introduced by J. Tropila (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 186, introduced by R. Peck, referred to Business and Industry.
HB 192, introduced by J. Andersen, referred to Local Government.
HB 214, introduced by D. McGee, referred to Judiciary.
HB 220, introduced by S. Rose, referred to Education and Cultural Resources.
HB 254, introduced by R. Somerville, referred to Agriculture, Livestock and Irrigation.

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HB 264, introduced by D. Wyatt, referred to Business and Industry.

HB 277, introduced by B. Pavlovich, referred to Business and Industry.

HB 283, introduced by C. Younkin, referred to Judiciary.

HB 284, introduced by B. Story, M. Cole, L. Grosfield, G. Jergeson, M. McCann, L. Nelson, K. Ohs, S. Rose, B. Tash, J. Tester, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Shea in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 40 - Senator D. Grimes moved SB 40 do pass. Motion carried unanimously.

SB 217 - Senator K. Miller moved SB 217 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: Grosfield.
Total 1

Excused: Roush.
Total 1

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Shea moved the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 115 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

SB 165 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: Toews.

Total 1

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

SB 222 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

SB 230 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin,

SENATE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 1999

Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

SB 231 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

SB 259 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Sprague.
Total 1

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

SENATE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 28, 1999

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 12:30 p.m., Friday, January 29, 1999. Motion carried.

Senate adjourned at 1:28 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate

HOUSE OF REPRESENTATIVE ROLL CALL

JUDICIARY

COMMITTEE

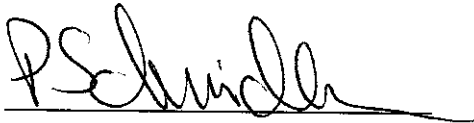
DATE 3/8/99

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert C. Clark, chair	/		
Dan McGee, vice chair	/		
Diana Wyatt, vice chair	/		
Chris Ahner	/		
Shiell Anderson	/		
Paul Clark	/		
Aubyn A. Curtiss	/		
Bill Eggers	/		
Tom Facey	/		
Steven Gallus	/		
Gail Gutsche	/		
Jean Hurdle	/		
Rick Jore	/		
Sam Kitzenberg	/		
Brad Molnar	/		
Mark Noenning	/		
Jim Shockley	/		
Loren Soft	/		
Carol Williams	/		
Cindy Younkin	/		

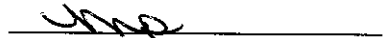
COMMITTEE FILE COPY

TABLED BILL

The HOUSE JUDICIARY COMMITTEE Tabled SB 16, SB 36, by motion, on Monday, March 8, 1999.



(For the Committee)


(Chief Clerk of the House)

_____, 3/8
(Time) (Date)

March 8, 1999

Pam E. Schindler, Secretary

Phone: 444-4788



HOUSE STANDING COMMITTEE REPORT

March 8, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 230** (third reading copy -- blue) be concurred in.

Signed: Robert C. Clark
Representative Robert C. Clark, Chair

To be carried by Representative Brad Molnar

- END -

Committee Vote:
Yes 17, No 2.

521504SC.ham

30 3:25
me



HOUSE STANDING COMMITTEE REPORT

March 8, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 63** (third reading copy -- blue) be concurred in as amended.

Signed: Robert C. Clark
Representative Robert C. Clark, Chair

To be carried by Representative Chris Ahner

And, that such amendments read:

1. Page 1, line 29.

Strike: "3 or more" on line 29 through "victim" on line 30

Insert: "18 years of age or older"

2. Page 2, line 12.

Following: "45-5-210"

Insert: "(1) (b), (1) (c), or (1) (d)"

3. Page 3, line 18.

Strike: ":"

4. Page 3, line 19.

Strike: "(i)"

5. Page 3, line 20.

Strike: "or"

6. Page 3, line 21 through line 22.

Strike: subsection (ii) in its entirety

- END -

Committee Vote:

Yes 15, No 5.

521506SC.ham

3/8 3/25

me



HOUSE STANDING COMMITTEE REPORT

March 8, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 112** (third reading copy -- blue) be concurred in as amended.

Signed: Robert C. Clark
Representative Robert C. Clark, Chair

To be carried by Representative Jim Shockley

And, that such amendments read:

1. Page 6, line 27.

Strike: "attorney"

Insert: "sheriff"

2. Page 6, line 29.

Strike: "attorney"

Insert: "sheriff"

3. Page 7, lines 16 and 17.

Strike: "the court" on line 16 through "46-23-502" on line 17

Insert: "an agreement to do so is part of the plea bargain"

- END -

Committee Vote:

Yes 19, No 1.

521505SC.ham

3/8 3:25

umg

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

~~X~~SUBCOMMITTEEDATE 3/8/99 BILL NO. _____ NUMBER _____

MOTION: _____

SB 36(all Smith - Mt. Pleasant (Ga.)
Amendment Failed)

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN		✓
DAN MC GEE, VICE CHAIR		✓
DIANA WYATT, VICE CHAIR	✓	
CHAIR AHNER		✓
SHEILL ANDERSON		✓
PAUL CLARK	✓	
AUBYN CURTISS		✓
BILL EGGERS	✓	
TOM FACEY	✓	
STEVE GALLUS	✓	
GAIL GUTSCHE	✓	
JOAN HURDLE	✓	
RICK JORE		✓
SAM KITZENBERG	✓	
BRAD MOLNAR		✓
MAKR NOENNING	✓	
JIM SHOCKLEY		✓
LOREN SOFT		✓
CAROL WILLIAMS	✓	
CINDY YOUNKIN		✓

10 / 10

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

~~X~~ SUBCOMMITTEE

DATE

3/8/99

BILL NO.

NUMBER

MOTION:

SB56

Do Con cur as Amended

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN	/	
DAN MC GEE, VICE CHAIR	/	no Chg'd Vote
DIANA WYATT, VICE CHAIR	/	/
CHAIR AHNER	/	
SHEILL ANDERSON	/	
PAUL CLAKR		/
AUBYN CURTISS	/	
BILL EGGERS	no	/ Chg'd Vote
TOM FACEY	/	
STEVE GALLUS		/
GAIL GUTSCHE		/
JOAN HURDLE		/
RICK JORE		/
SAM KITZENBERG	no	no (wants to Chg Veto - instead motion to Reconsider was made)
BRAD MOLNAR	/	
MAKR NOENNING		/
JIM SHOCKLEY	/	
LOREN SOFT	/	
CAROL WILLIAMS		/
CINDY YOUNKIN	/	

10 / 10

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

~~X~~SUBCOMMITTEE

DATE 5/8/99

BILL NO. _____

NUMBER _____

MOTION: SB 56

motion to reconsider
Kitzenberg *failed*

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN	/	
DAN MC GEE, VICE CHAIR	/	
DIANA WYATT, VICE CHAIR		/
CHAIR AHNER	/	
SHEILL ANDERSON	/	
PAUL CLAKR		/
AUBYN CURTISS	/	
BILL EGGERS		/
TOM FACEY	/	/
STEVE GALLUS		/
GAIL GUTSCHE		/
JOAN HURDLE		/
RICK JORE		/
SAM KITZENBERG	/	
BRAD MOLNAR	/	
MAKR NOENNING		/
JIM SHOCKLEY	/	
LOREN SOFT	/	
CAROL WILLIAMS		/
CINDY YOUNKIN	/	
	10	10

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

XSUBCOMMITTEE

DATE 3/8/99 BILL NO. _____ NUMBER _____MOTION: SB36TabledPasses

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN	/	
DAN MC GEE, VICE CHAIR	/	
DIANA WYATT, VICE CHAIR	/	
CHAIR AHNER	/	
SHEILL ANDERSON		/
PAUL CLARK	/	
AUBYN CURTISS		/
BILL EGGERS	/	
TOM FACEY		/
STEVE GALLUS	/	
GAIL GUTSCHE	/	
JOAN HURDLE	/	
RICK JORE	/	
SAM KITZENBERG		/
BRAD MOLNAR	/	
MAKR NOENNING	/	
JIM SHOCKLEY	/	
LOREN SOFT	/	
CAROL WILLIAMS	/	
CINDY YOUNKIN		/

15/5

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

XSUBCOMMITTEE

DATE 3/8/99 BILL NO. _____ NUMBER _____MOTION: SB 63 Do Concur As Amended
Passed

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN	✓	
DAN MC GEE, VICE CHAIR		✓
DIANA WYATT, VICE CHAIR	✓	
CHAIR AHNER	✓	
SHEILL ANDERSON	✓	
PAUL CLARK	✓	
AUBYN CURTISS		✓
BILL EGGERS	✓	
TOM FACEY	✓	
STEVE GALLUS	✓	
GAIL GUTSCHE	✓	
JOAN HURDLE		✓
RICK JORE		✓
SAM KITZENBERG	✓	
BRAD MOLNAR		✓
MAKR NOENNING	✓	
JIM SHOCKLEY	✓	
LOREN SOFT	✓	
CAROL WILLIAMS	✓	
CINDY YOUNKIN	✓	
	15	5

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE Mar 8, 1999

I request to be excused from the Judiciary
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with Rep. Wyatt.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
<u>House Amend 1</u>	<u>✓</u>	

SENATE BILL/AMENDMENT	AYE	NO
<u>amend (Smith)</u>	<u>✓</u>	
<u>SB 36 if amend fails</u>		<u>✓</u>
<u>SB 36 if amend passes</u>	<u>✓</u>	
<u>SB 36 Callus amend</u>	<u>✓</u>	
<u>" " " fails</u>		<u>✓</u>
<u>Reagan Amend</u>	<u>✓</u>	

Rep. Carae Williams
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 3-8-98

I request to be excused from the Judiciary ✓
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with Loren Solt.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
SB 112	X	
SB 63		

SENATE BILL/AMENDMENT	AYE	NO
SB 112	X	
SB 63	X	

Rep. Sam Kutyubey
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 3/8/99

I request to be excused from the Judiciary
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with _____.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
SB 112 amendment	✓	
SB 112 "	✓	
SB 112	✓	
SB 63 amendment	✓	
SB 63		
as Amended	✓	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Deana Weyant
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 3/8/99

I request to be excused from the House Judiciary
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with _____.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
<u>SB 63</u>	<u>X</u>	

Rep. Steve Lamm

(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE

3-8-

I request to be excused from the

Judiciary

Committee meeting this date because of other commitments. I desire to leave my proxy vote with _____.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
63	X	

Rep.

Shirley Anderson
(Signature)

HR:1993
WP/PROXY

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

Justifying "After Transmittal"

DATE _____

I request to be excused from the _____
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with _____.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

3-8-99

HOUSE BILL/AMENDMENT	AYE	NO
552	T	✓
576	T	✓
566	15-5	
593 -	Passed	
595 10-16	T	
587	T	
614 (Yes AMEND)	✓	
426 -	T	
28	T	
279		

SENATE BILL/AMENDMENT	AYE	NO
SB 36 AMEND BUL	✓	✓
SB 112	✓	
SB 63	✓	
186	✓	
221	✓	
165	✓	

Rep.

(Signature)

Chris Ahner

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/8/99

BILL NO. SB 222

SPONSOR(S)

Steve Doherty

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE

3/8/99

BILL NO.

SB 221

SPONSOR(S)

Steve Decherty

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/8/99

BILL NO. SB 23

SPONSOR(S) Duane Grimes

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

Tape
Side A

TAPE COUNT

00

25

39-

60-

NOTES

Chairman Cook opens mtg. 8:00 AM

SB 230 Sponsor Open Lerner

re: case where a man died enroute to Billings on a plane

Opponents: Greg Petersen - Code Commission

clarifying: 2-9-101 sup & contradicting
Sub. Section 2:3 conflict.

Opponents: Q

Info: Q

C.S. - Q

Sponsor Close Lerner

SB 231 - Sponsor Open Roberts

not available Roberts / Lynch

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

Cont.

84 -

120 -

198

NOTES

Executive Action

SB 230 Franken Do Concur

2 -

McLee / Wyatt /

17/2 (Eggers chosen)
(VOICE)

SB 230 Do Concur

(Rep. Molnar to Carry)

SB 16 - Rep. Curtis Do Not Concur
Curtis - concern - primarily to meet need.
B. Clark - re. amendments
Franken - take out health care facilities

Change 2005 - too long

Shackley - response to Franken
McLee - agree w/ Curtis

MOVED TO TABCE

17/3 no - Alvin, (Franken, (McLusken)
(VOICE VOTE) (Eggers here)

SB 16 - 100% blocked

SB 221 - Sponsor Open Poverty # 24

attend for September

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 5/9/99

Tape
Secret

TAPE COUNT

Cont
219 -

260 -

290 -

343 -

NOTES (SB 221)

Proponents - Greg Petrosch, Code Comm.

St. vs Nelson - experience of Seprena
man injured in car wreck; Dr. ordered
blood test - prosecutors' independently
used on clinically Seprena -
medical records are protected - need

a special Seprena -
higher standard is needed for med.
records

Opponents - Q

Dix - Q

815 - P. Clark - Petrosch

1) page 1 line 25 - higher standard?
situation?

✓ - Noenning - Petrosch

1) no need for Probable cause?
2) defense compelling state interest?
3) right of privacy?

✓ - Mulner - Petrosch

1) line 23 - constitutionally protected?

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAVELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

448 -

484 -

484 -

012 -

NOTES (SB221)

8/5

2) Mulman - Pitsch
2) Murphy - Pitsch - y medical records fo?

✓ - Hollen - Pitsch
1) administrator of test results?
2) Dis - able -
3) Res. o/n act as initial job

✓ - Eggen - "Comment"
1) integrate SB158 - (Blayer)
invasion of privacy -

Sponsor Close - Pitsch

(Rep. Eggen to carry)

SB222 - Sponsor Open - Pitsch #24

effort to clean up statute of practice of
law in State of Montana -

out of state lawyers practicing in mt. w/o
license -

which of statute that conflict w/
Supreme Court rulings -

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/89

Tape /
Sicler

TAPE COUNT

Cmt.

53 -

NOTES (SB222)

Proponents - Greg Petesch - Prob Comm.

Cases in 1975 - regarding the law -
Supreme Ct. sel. center 1972 session
"this Court" separated - these
statutes

Section repealing: Elementary Statutes
qualification / cert. of St. Bar
"admission of atty from State
Pro Hoc Vice."

Opponents -
Info -

89 -

65 - Mc Gee - sponsor

- 1) atty license of the court - are they not
offices of Ct.?
- 2) how can atty serve in legislature?
"separation of powers"

110 -

✓ - Mc Gee - Petesch
1) same?

137 -

✓ - Mulvaney - sponsor

- 1) constitution not "ex - defining" -

Exhibit 1

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/90

Tape 1
Sickles

TAPE COUNT

Cord.

NOTES

(SB 222)

P's Malman-

2) Only Supreme Court "right to make rules"?
related only w/ "Rutledge"

incident? (Jerry Spence)

3) rely on "Vicks" rules instead of
statute of N.J. law.

4) still with rule no reason to

suspend an "statute".

215-

✓ - P. Clark - Petrosch

1) Supreme Ct has jurisdiction to govern
by rules - (existing law comes up w/ new
statute - typical one branch makes
rules, another has conflict - how

resolved?

2) veto power over what Ct. decides?
(Conflict w/ statute already books)

407-

Sponsor: Chase - Doherty

understand balance between different
branches of the govt -

rules of civil procedure -

Supreme Ct "trumps" us -
repeal sections of the law -

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/89

Tape
Side B

TAPE COUNT

cont.

00

Tape 2
Side A

23 -

35 -

40 -

47 -

50 -

NOTES

(SB222)

cont.

Justice Department - amendment

SB 165 - Sponsor Gen. Lynch #19
"win for towers" "assist in win"

Proposer - Bob Herbert - Mt. Airy Truck
w/o Gen. Bk as Gen. Herbert's counsel Assoc. Co. Co.

✓ - Meli Karsagomle - Tao Truck
Support - Operator

✓ - Bob Andersen - Mt. Shengji P.O.
Support - Assoc.

Opponent - D. Lohed
Info - Dean Dept. of Justice
w/ensen's

✓ - Bob Lupi - Mt. Crestview
w/ensen's - problem w/hold on Senate

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

conv.

55-

79-

135-

150-

214-

NOTES (SB165)

2's - Andersen - Gilbert
1.) violation of law explanation

✓ - Nuerning - Gilbert - Lemch
1.) confused over need of language
in Geni 26-27 - rendering services?
2.) safe keeping & storage of auto - was already

Armenian -
3.) 28-30 Geni - concerned - filing action
"agistic Geni" - 71-3-1202?

✓ - Nuerning - Roberts
1.) same? re "agistic Geni" -

✓ - Nuerning - Pfeiffer
1.) Jones? "agistic Geni" -
2.) possession of vehicle; also need to file
w/ DMV: other Geni - check - more
"hoops" to jump through?

✓ - Nuerning - Sponser
1.) unreasonable - Berchen?
object to deleting Geni 28-30?

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

Tape 2
Sickles

TAPE COUNT

cmf.

NOTES (SB 165)

3's - Naenig-

2) - lei is based on possession?

27-

✓ - Naenig - Messopande
1.) why release out?
2.) w/ a release w/ a lei?
3.) go through DMV also?

285-

✓ - Mulman - Sponsor
1.) lei 23 - towing + storage?
2.) towing / storage - "Safekeeping + storage"
3.) lei 21 - reasonable cost? who determines

322-

✓ - Mulman - Sponsor
1.) same?
2.) bylaw - reasonable cost?
3.) same? (again)

372-

Sponsor chose - Sprich

Sub-section 3 is redundant - should come out -

"protects small business people"

408-

Executive Action

429-

SB-36 - Shockley - Do Concern
R. Clark - have amendments to look at.

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

Cont.

00

NOTES

SB36

Noennig - concerns: causing level to
prior precedence
"Certification not automatic"

more of Smith amendment:
not Trial Lawyers Assoc.

Anderson - on like amendments:
"uninsured practitioners"

P. Clark - Noennig - liability ins. for Dr's.
go up in claims filed?

Noennig - supports

P. Clark - free health care - take a risk?

Shockley - agree w/ Anderson -
greater risk of being sued

Eggen - agree w/ Shockley -
are we modifying the Constitution?

on like amend. #1.

Mundt - look at entire Health Care System
double standard for insurable
people - many people don't have ins.

Conns - support of amendment -

Shockley - emphasis s/b on providing
service -

Wyatt - responds to Shockley -

Noennig - w/ this result in more people
getting care?

Eggen - reply to Conns.

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

cont.

NOTES (Exec. Action)

SB36

Shockley - response to Coyall -

Hallus - Dr. insured / amended.

prepare retirement amend.

Smith 10/10 (Roll Call)
amendment fails

Hallus - move Amendment

add: "Retired" incl. proctonier

Yunker - against amendment.

Hallus - responds

Orlison - o/n make sense,

Soft - oppose amendment

"Be it to encourage volunteerism"

Curtis - limiting people

Hallus - responds 2 -

Hallus - Amendment fails (voice vote)

McKee - amendment by Keenan - move

Huening - separate 3

deal w/ 1 & 2

Orlison - line 1 page 2 - McKee

McKee - responds - c/n separate 3

2 - 1st/2 amendment passed (voice vote)

McKee - move #3 Amendment Keenan

Huening - has problem w/ "agrees" - address ? of notice

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

cont.

NOTES (Exec. Action)

SB 36

McLee - responds to Noennig - discrepancies

Noennig - response

McLee - responds

Shockley - not in favor of amendment

Candlish - Shockley / Noennig is right

"Notice must be posted"

Shockley - responds

P. Clark - agree w/ Shockley / Noennig

Eggers - handled med. priorities

Soft - support amendment - "content of Bill"

Yoranki - ?

3 amendment fail (voice vote)

Yoranki - DO concern as amended

Noennig - require notification - none

Amendment - "Notification" - Noennig

McMaster - page 1 in 20 end - add

Sentence "patent m/b notified"

protection i/inst. clauses"

Shockley - D

Eggers - McMaster - orally or writing

McMaster - McMaster - "good Samaritan"

statutes"?

McMaster - responds

McMaster - responds

Candlish - w/ McMaster

P. Clark - support amendment

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

cont.

NOTES (Exec. Action)

SB 36

Wyatt - support amendment

Hall - fair trade

Shockey - if o/n give rule - a problem

2 - Nuennig Amend ~~passed~~

Nuennig Amendment Passed

Yorkin Do Concur as Amended

Yarles (Roll call) 10/10

Kilmer - Move to Reconsider 10/10

Reconsider - failed (Roll call)

Move to Table - passed

15/15 (Roll call)

430 -

SB 112 - Yorkin Do Concur

Shockey - via Bill - page 6 line 27, - 29

Co. Atty w/n do it.

R. Clark - responds

Shockey - responds

Nuennig - other than Co. Sentiment

Shockey - responds

MOVE:

Shockey - Amendment - "Strick Co. Atty

put in Sherry" page 6 line 27, 29

Exhibit 3 (and other handwritten notes)

Tape 3
Side A

Tape 3
Side B

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 5/8/89

TAPE COUNT

cont.

NOTES

(Exec. Act.)

SB 112

Steve Bullock - DOT - responds to Shockley - h/n been problem before

? - Shockley (merchmet) passes Mc Gee - DO Census as Amended Anderson - swap not in vacuum - sample asked for again

Eggs - page 3 (enr 8 - concerns

Anderson - page 7 (enr 15-17

Dueny - Back group have DNA samples -

Anderson - responds - name "Strike Sec. 5"

Shockley - page 7 (enr 15-17

Anderson - sub section F

Shockley - ext: cons. rule Defendant supply chair, blood, etc.

Steve Bullock - DOT - responds to Anderson (DNA Data Base w/B formed.)

Anderson - very weak case for certain Ser. offms But requires these sample done -

Steve Bullock - DOT - responds to Anderson

P. Clark - Bullock - enr 16 page 7 -

Bullock - responds

P. Clark - dis. certain of picks

Eggs - 1) m/B convicted, 2) h/B sentenced 44-6-103 44-6-103 - later action? Bullock

Bullock - responds - McWalter - pg. 6 enr 19.

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/89

TAPE COUNT

cont.

NOTES (EXEC. COUNCIL)

SB 112

Noennig - Amend designation Bill -
concur with part of plea bargain
agreement -

Bullock - is that acceptable?

Noennig - satisfy intent of provision

Bullock - responds

Shockley - Bullock - DOC Bill HBSA removed -

Line 16 - page 7 delete:

give to McKeester

Noennig - responds to Shockley.

Shockley - agree w/ Noennig

P. Clark - concur - Shockley proposal

McKeester

Page 7 Line 17 - strike last part

"the fact" - - - - - insert "an agreement to do so"

part of plea bargain"

P. Clark - responds -

Noennig - responds w/ P. Clark

Shockley - move substitute Amendment

(Substitute Amendment Amend)

2. - Sub. Amend passes

Amend - Do Concur as Amended

2. - SB 112 Do Concur as Amend - no

Amend (less)

19/1 Vari vote

Shockley w/ Curry

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

Tape 3
Side B

TAPE COUNT

391

NOTES (Exec. Action)

SB 63 - Ohner DoCin cen
Gutsche - take of incident exp.
page 1 line 29

Gutsche - Amended to strike 45-5-5 of
Gutsche - add verbatim comment
page 1 line 29-30

Vanden - incident exp RE: parental -

Beth Baker - DOT - responds
registration is not mandatory -

Vanden - some problem as Gutsche -
how fast 18 yrs or older -

Baker - "if victim under 18 - offender over 18"
language

R. Clark - make a prob of amend.
Gutsche - responds

Baker - ok w/ her -
? - Amendment (Gutsche)

Mahee - McWhorter - need amendment

Noennig - Gutsche - ?'s group - people registering?

Gutsche - responds -

R. Clark - Baker - ?

Baker - responds -

? - Gutsche Noennig / Mahee / Clark / Hoff

Gutsche Amendment Passes (veritate)

Ohner - more amendments

page 2 line 12

Exhibit 2

Tape 4
Side A

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

Cont.

NOTES (EXEC. ACTION)

SB 63

John - assault on police officer
Doerning - register w/ assaulting police officer

2. John O'Malley -
Farsley

Carleton - Do Concern as O'Malley

Middle - how many on register

John - response

Doerning - has #'s

Baker - DOT - responses

Middle - how can happen to parole; not limit?

Baker - responds -

Middle - expanding # new in program

R. Clark - registering not limit.

Middle - still expanding sex offenders #'s.

R. Clark - responds

Middle - assault police officer.

R. Clark - responds.

Middle - on amendment must vote on.

MOVE TO TABLE

Motion files -

Lacey - on final list

R. Clark - response

Doerning - John - discuss amendment -

Shockey - responds

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/8/99

TAPE COUNT

cont.

NOTES (Exec. Ad.)

SB 63

Nuennig - Shockley - statute book to file w/ "Statutory Repe" -

Shockley - responds

Beth Baker - only thing amendment does is dealing w/ question of registration.

Nuennig - Baker - ?'s amendment - Baker - responds -

Nuennig - still leaves gap

Shockley - address Nuennig?

Nuennig - DOT happy w/ it?

P. Clark - Am 21 amendment? Baker -

Baker - responds -

Artis - funding - Baker

Baker - responds -

Artis - Baker - w/ amendment effort funding?

Facey - Clark - Shockley - w/ be in judges discretion but exempt.

Shockley - responds -

Baker - responds

Middle - registration of sex offenders - more; more people checked.

Molnar - agree w/ Middle -

Yankin - mme to Delete 21-22 page 3

R. Clark - responds

Yankin - discussion on Yankin amendment

Yankin Amendment

18/2 Yankin Amendment (voice)

Tape 4
Side A

Tape 4
Side B

199/19

Page 11/11

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 2/10/99

Tape 4
side B

TAPE COUNT

117

NOTES (Exec. Action)

SB 63

Yamini - Do Concur As Amended

SB 63 Do Concur as Amended (Roll call)
Hersel 15/5

meeting adjourned

12:17pm

EXHIBIT 1
3/8/99
222

THE SUPREME COURT OF MONTANA

W. WILLIAM LEAPHART
JUSTICE



JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5573

February 3, 1999

Honorable Steve Doherty
Montana State Senate, Room 310
Capitol Building
Helena, MT 59620

Re: Senate Bill 222

Dear Senator Doherty:

As you know Senate Bill 222 would, in light of the Supreme Court's Authority to make rules for admission to the Bar under Article VII, Section 2 of the Montana Constitution, repeal §§ 37-61-101, -204, -206, -208 and -209, MCA. I would suggest that § 37-61-202 (who may be admitted as attorney) and § 37-61-205 (application and examination fees) are both inconsistent with the new 1998 Rules for Admission the Court adopted in November, 1998 and should be included within the repealer provisions of Senate Bill 222. I am enclosing copies of the two statutes that I reference. Section 37-61-202, MCA, on admissions of attorney, makes no reference to the requirement that an applicant must take the Bar Exam and is thus much broader than our 1998 Rules for Admission. Section 37-61-205, MCA, with regard to application and examination fees has been superseded by our new Rule 1(E) (fees payable to bar admissions administrator) and I suggest should be repealed as well.

Thank you for considering these suggestions. If you have any questions, please give me a call.

Yours truly,

A handwritten signature in cursive script that reads "William Leaphart".

W. William Leaphart
Justice

WWL:pwh
c: Betsy Brandborg, State Bar

HOUSE OF REPRESENTATIVE ROLL CALL

JUDICIARY

COMMITTEE

DATE 3/9/99

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert C. Clark, chair	/		
Dan McGee, vice chair	/		
Diana Wyatt, vice chair	/		
Chris Ahner	/		
Shiell Anderson	/		
Paul Clark	/		
Aubyn A. Curtiss	/		
Bill Eggers	/		
Tom Facey	/		
Steven Gallus	/		
Gail Gutscho	/		
Joan Hurdle	/		
Rick Jore	/		
Sam Kitzenberg	/		
Brad Molnar	/		
Mark Noenning	/		
Jim Shockley	/		
Loren Soft	/		
Carol Williams	/		
Cindy Younkin	/		



HOUSE STANDING COMMITTEE REPORT

March 9, 1999

Page 1 of 2

Mr. Speaker:

We, your committee on Judiciary report that Senate Bill 165 (third reading copy -- blue) be concurred in as amended.

Signed: Robert C. Clark
Representative Robert C. Clark, Chair

To be carried by Representative Mark Noennig

And, that such amendments read:

1. Title, line 4.

Strike: "ON A MOTOR VEHICLE"

2. Title, line 5.

Strike: "ON THE MOTOR VEHICLE"

3. Page 1, line 23.

Following: "article"

Insert: "or tows or stores the article as directed under authority of law"

4. Page 1, line 26.

Following: "service is"

Strike: "the"

Following: "towing"

Strike: "and"

Insert: "or"

Strike: "of a motor"

5. Page 1, line 27.

Strike: "vehicle"

Strike: "and"

Committee Vote:

Yes 16, No 4.

531350SC.ham

15
3-9

Insert: "or"

6. Page 1, line 28 through line 30.

Strike: subsection (3) in its entirety

- END -



HOUSE STANDING COMMITTEE REPORT

March 9, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 222** (third reading copy -- blue) be concurred in as amended.

Signed: Robert C. Clark
Representative Robert C. Clark, Chair

To be carried by Representative Mark Noennig

And, that such amendments read:

1. Title, line 8.
Following: "37-61-101,"
Insert: "37-61-202,"
Following: "37-61-204,"
Insert: "37-61-205,"

2. Page 1, line 16.
Following: "37-61-101,"
Insert: "37-61-202,"
Following: "37-61-204,"
Insert: "37-61-205,"

- END -

Committee Vote:
Yes 14, No 6.

531349SC.ham

8/5/99
1/3



HOUSE STANDING COMMITTEE REPORT

March 9, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 87** (third reading copy -- blue) be concurred in.

Signed: Robert C. Clark
Representative Robert C. Clark, Chair

To be carried by Representative Shiell Anderson

- END -

Committee Vote:
Yes 15, No 5.

531348SC.ham

15
13-9

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

~~HOUSE~~ SUBCOMMITTEEDATE 3/2/98 BILL NO. _____ NUMBER _____MOTION: SB 222*No Concern As Amended*
Passed

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN		1
DAN MC GEE, VICE CHAIR		1
DIANA WYATT, VICE CHAIR	1	
CHAIR AHNER		1
SHEILL ANDERSON	1	
PAUL CLARK	1	
AUBYN CURTISS	1	
BILL EGGERS	1	
TOM FACEY	1	
STEVE GALLUS	1	
GAIL GUTSCHE	1	
JOAN HURDLE	1	
RICK JORE		1
SAM KITZENBERG		1
BRAD MOLNAR		1
MAKR NOENNING	1	
JIM SHOCKLEY	1	
LOREN SOFT	1	
CAROL WILLIAMS	1	
CINDY YOUNKIN	1	
	1	

6

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

HOUSE JUDICIARY

xSUBCOMMITTEE

DATE

3/9/96

BILL NO.

NUMBER

MOTION:

SB 22

Reconciler from Table

Yails

NAME	AYE	NO
ROBERT CLARK, CHAIRMAN	/	
DAN MC GEE, VICE CHAIR	/	
DIANA WYATT, VICE CHAIR	/	/
CHAIR AHNER	/	/
SHEILL ANDERSON	/	/
PAUL CLARK	/	/
AUBYN CURTISS	/	/
BILL EGGERS	/	/
TOM FACEY	/	/
STEVE GALLUS	/	/
GAIL GUTSCHE	/	/
JOAN HURDLE	/	/
RICK JORE	/	/
SAM KITZENBERG	/	/
BRAD MOLNAR	/	/
MAKR NOENNING	/	/
JIM SHOCKLEY	/	/
LOREN SOFT	/	/
CAROL WILLIAMS	/	
CINDY YOUNKIN	/	

14

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 3-9-99

I request to be excused from the Judiciary
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with Don Mc Lee.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO

SENATE BILL/AMENDMENT	AYE	NO
SB22	X	
SB65	X	
SB87	X	
SB158	X	
SB165	X	
SB186		X
SB188	X	

Rep. Loft
(Signature)

194

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/9/99

BILL NO. SB 250

SPONSOR(S) Ave Bartlett

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING
O	<i>John W. Lamm</i>	<i>W. S. S. S. S.</i>	<i>Fourth Judicial District</i>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

284

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/9/99

BILL NO. SB 33

SPONSOR(S) Fred Thomas

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING
P	RICK DAY	Corrections	Corrections
P	Dave Ohler	"	"
P	Matt Robertson	"	"
O	Scott Christensen	MLU	Billings

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

344

DATE 3/9/99

SPONSOR(S) Fred Thomas

PLEASE PRINT

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

484

DATE _____

3/9/99

BILL NO. SB 243

SPONSOR(S)

Fred Thomas

(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

REPRESENTING

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

00

NOTES

Chairman Clark opened mtg. 8:00 am

SB 481

Spencer open - Chamber

next do testimony - (House Appropriations)

enable to present Bill

44-

Executive Action

SB 222 - Jenkins Do Concur
Noenning - MOVE AMENDMENT

from Justice Department

? - Josephine

Agree / Malman / McLee
Amendment Passed

Kilgusby - MOVE TO TABLE

Motion/Vote - (Voice vote)

Spackley - DO CONCUR AS (MAYBE)

Malman - Supreme Ct not over the law

Wentler - reported to Supreme Ct.

approp. decided by Supreme Ct.

(internal rule)

McLee - agree w/ Malman - separation of powers.

Noenning - disagree w/ Malman / McLee

McLee - responds

Noenning - responds

P. Clark - agree w/ Noenning

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAVELA SCHINDLER, Secretary

Date: 5/9/99

TAPE COUNT

Cmt.

218 -

367 -

~~367 -~~

NOTES (Ex & Co. Act.)

~~SB 222~~

2 - (Roll Call Vote)

SB 222 Do Concern as (Committee) (Roll Call Vote)

SB 22 McElree - Reconsideration from Table
B. Clark - post-certification Bill - (Roll Call Vote)

Motion - fail 8/14 (Roll Call Vote)

SB ~~222~~ 165 - Laws. De Concern
Doennig - MOVE Amendment
McMasters - page 1 line 23 "entire" insert
"and a store the article as directed"

under authority of law,
line 26 - "and" - "or" and "or"
for motion vehicle
delete sub sec. 3

Doennig - explain amendment.
R. Clark - why strike motion vehicle
Doennig - responds
R. Clark - "or" or "and"

Eggers - puts her in context; horse trailer etc.
Doennig - take back part of property -
Eggers - problem w/ horse trailer etc.
Doennig - responds

Eggers - responds "horse"
Doennig - "exists" now
Ritzberger - clarification
Doennig - responds

LEGISLATIVE TAPE LOG
HOUSE JUDICIARY COMMITTEE
PAMELA SCHINDLER, Secretary

Date: 3/9/99

Tape 1
Side B

TAPE COUNT

cont.

NOTES (Exec. Act)

cont-

SB 165

P. Clark - Noemig - Uni 233

Noemig - responds

P. Clark - illegally parked - bus auto - credit cards

Noemig - responds -

Gallus - 2 - amendment

Amendment Process P. Clark / Eggen
(voice vote)

Molnar - Do Cencen do Amend

Molnar - reasonable cost -

Noemig - Zoptons

Molnar - reasonable cost?

Noemig - responds

SB 165 Do Cencen do Amend Eggen
P. Clark, Kilgus, Anden

18 / 4

(voice vote)

233 -

SB 243 - Sponsor Open Thomas #31

(Chairman Clark (cannot present Bill)

Vai Chai Vic Lee Gabe Orr

1995 - ext. Jur. Jurisdiction Act

"SLM" - 1st amended 1997 SB 99

due process, double jeopardy

SB 243 Amends SB 208

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/6/99

Tape 1
Sides B

TAPE COUNT

Cmt -

NOTES (SB 243)

Sponsor open court.

end up at juv. record

Limit extended jurisdiction to non-violent
convictions.

SB 243 - Limit max sentence no longer

than max. adult sentence.

Supreme Ct. of a decision

which juv. to keep out of adult prison.

"not allow youth to slip through cracks"

350 -

Proponents - John Keenan - Dist Judge - Mike

Quinn is at the youth hearing 18 years old
getting into adult court.

EXHIBIT 1
EXHIBIT 2

EXHIBIT 3
EXHIBIT 4

pro vide longer sentences through adult
court w/o permanent record if pay

restitution -

victim's made whole -

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/1/99

TAPE COUNT

Cmt

NOTES (SB243)

proposed

"Exemptions & Surprises" -
Perie Hills Incident -

Term C/B obtained - C/B get time in Feb.
Septem -

41-5-208 included -
Term in adult Septem -

Send to Perie Hills on verge of turning
18 yrs. old -
commit a serious offense
qui in extrajurisdiction w/o permanent
records -

SB250 - repealer of all this - Code Commission
repeals 41-5-208 Bill -

data shows how working in Minnesota -

"process change of change" - Bill worth
an effort -

Sen. Baugh added amendment Re:
Youth Cr. Act.

"miscellaneous personal" - in juvenile justice -

"consent decrees" - MSP outlined -

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

NOTES (SB 243)

92 -

proposed -

123 -

✓ - Melman - Sponsor

- 1.) amend. page 2 - agree w/it?
- 2.) removes language from 1995 -

220 -

✓ - Melman - Battlett

- 1.) line 8-10 struck to prevent youth delq?
- etc. - kind offense?
- re: 1995 changes -

- 2.) Sup. Cit ruled - "double jeopardy"
- 3.) Habeas?
- 4.) line 9?

339 -

✓ - Moerung - Olson

- 1.) juv. ch. change adult sentence?
- 2.) line 14 page 5 "delete & Adult Court facilities"? good idea?

- 3.) want option of limit? why take away?

339 -

✓ - Foley - Sponsor

- 1.) clarification SB 243 - SB 250

inter-relationship w/ 2 bills?

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

END.

380-

407-

443-

00

NOTES (SB 243)

2:5

2.) Some meeting of 2 Bills?

Sponsor Close

address SB 250 : 243 together..

✓ - Bundle - Carson

1.) more Boot camps

SB 33 - Sponsor Open - Thomas #3

1.) clarify private prison const of DOC approval -

2.) closes loophole - only not inmates in prisons.

3.) criminal cr. facility vs private prison

4.) private prisons included

Exhibit 5

Proponents - Rick Day - Dept of Corr.

"housekeeping Bill"

1.) cleans up licensing 2.) only lib. criminals

amendments added in Senate -

crimi - out of state inmates -

Public Safety is primary concern -

allowing large state criminals contribute Public Safety -

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

Tape 2
Sicler B

TAPE COUNT

cm

NOTES (SB 33)

Proponent

threat of comm. disease
gang activity

increase risk to prison : Eventually public

D/n make sense to house inmates from Fed or
other state -

Opponents -
Info -

69 -

2:5 - Mueller - Day

- 1.) page 7 line 6 - deleted "waiver"
- 2.) section 4 - death penalty - section 6
any change in current - why in Bill?
(page 4 section 4)

116 -

- ✓ - Upmkin - McMaster
- 1.) 46-18-220 amended?

123 -

- ✓ - P. Blank - Day
- 1.) re: death penalty - controlled by DOC

138 -

- ✓ - Mueller - Day
- 1.) brief private prison - giving control
to DOC not private prison?
 - 2.) who w/ sep. control for new prison?

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

NOTES

cmt

P's

3.) Auth. private prison + 1/8 Buitt?

4.) License private prison?

5.) combination considered?

6.) do not go to other state.

183

✓ - Wyatt - Day

1.) page 17 line 17a-9 -

conforms to ACA standards

does MSP conform?

209-

Sponsor Class

legislation needed to clean up last
Sessions Bill -

224-

SB 481 Sponsor Owen Thomas #31

Set up State Law - defer to what a
juvenile Home Court Officer is

page 3 - definition -

page 6 - amend law - take into custody

272-

Proponent - John Everett - Youth Home Court
Officer

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

cnt.

NOTES (SB 481)

allows youth to remain in household after arrest.

help other agencies dealing w/ youth -

325

✓ - John O'Brien - Dist Ct. Judge

Suppib - keeps youth accountable
Opponent - Q
Info - Q

336 -

2's - Mordk - Everett

- 1.) 185 clerk in juv?
- 2.) at one time - keep supervision on?
- 3.) keep track? uniform -

4.) success rate?

5.) difference between JPO? Youth Court
Officer?

6.) report to whom?

404 -

✓ - Molnar - Everett

- 1.) gone to MLEA
- 2.) cy passes - w/ you go?
- 3.) violate go to jail or back home?
- 4.) clarification?

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

Tape 2
Sicler

TAPE COUNT

cnt.

461 -

496 -

NOTES (SB480)

8's

✓ - Jacey - Everett

1.) age?

2.) school?

3.) custody - get their attention?

4.)

✓ - Jacey - Driscoll

1.) considered "to their school work"

✓ - P. Clark - Everett

1.) where did you get it?

2.) same kind of testimony as JFO?

3.) good credit?

✓ - P. Clark - Driscoll

1.) constantly behind - playing "catch up" need for special committee?

2.) teenagers not got fixed by next version

✓ - McJee - Everett

1.) "clients" vs. "offenders"

✓ - McJee - Driscoll

1.) page 3 (enid)

explain "offenders"

Tape 3
Sicler

00

16 -

40 -

65 -

86 -

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

cmr.

116-

142-

169-

196-

NOTES (SB481)

2's -

- 2.) Specialized juv. "Special Master"?
- 3.) Home work vs. Rehabilitation

✓ - Upstart - Jensen

- 1.) no auth. to arrest?
- 2.) paying out of oper. Budget?
- 3.) no arrest, pending needed?

4.) auth. chief's into custody?

✓ - Moennig - Jensen

- 1.) training - where in "Rule" provides for
- 2.) authority - "Rule of Art"

Sponsor Close -

cost element w/ dealing w/ youth
cost effective -

refer "client" instead of "offenders"

cost savings -

SB - 250 Sponsor ~~Open~~ # 37

by way of Small Juv. Comm through
Sgt. Ruback - Code Commissioner.

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

Tapes
Secret

TAPE COUNT

Cmt.

NOTES (SB250)

open -

Prosecution

SB250 - repeals Art. Jurisdiction Act.

violated oath in Mt. St. Constitution.

Sec 1-5 chgs in Utah Act.

Amend SB243 - amends if passed
then take SB250 -

otherwise if SB243 fails bring up

SB250 - cause w/ remain on Books
that is constitutional -

Proponent -

280-

Opponent - ~~George~~ Jackson

~~George~~ willing to take out 41-5-208
out of Bill

Info -

304-

815 - Muddle - Jackson

1) how many under 208?

326-

✓ - Naennig - Jackson

1) decide not pass SB243 - plz Council 41-5-208

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

Tape 3
Side A

TAPE COUNT

cont.

338-

350-

377-

NOTES (SB 250)

2. -

✓ - P. Clark - Tucson

(1) provision in SB 250 to put in SB 243

Sponsor Clara - Bartlett

of calls for Senate Jurisdiction Act.

do one thing or the other

D/N leave as is now - worst case scenario.

Executive Order:

SB 87 Shockley DO Concur

Curtis - problem - granting immunity
to FOP - how impact snowmobiles?

Daemmig - responds -

Eyes - sub. par 3 line 18 page 3

Daemmig - responds -

R. Clark - any other?

Center - still not happy w/ Bill -
what value?

R. Clark - responds -

P. Clark - Daemmig - provision on page 3

w/11 exempt areas of areas?

Tape 3
Side B

60

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

TAPE COUNT

Cmt.

NOTES (Exec. Act)

SB 87

P. Clark - change of house are - are we responsible?

P. Clark - covered page 2 line 21-22 -

P. Clark - to some extent?

Jacey - snowmobile in Ut.?

Munroe - FWP is operating across the Bill is a disclaimer claim

P. Clark - responds

Jacey - Munroe - disclaimer claim encourage safe riding habits.

Gallus - don't need Bill to say dangerous sport

Eggs - inadequate response to newspaper - s/B highlighted

Jacey - model of the ski area Bill -

Malmar - injury themselves - small incident

D/n want 4/8 trail-

Chner - snowmobile ops. goes 60 mph

Doernig - has mechanics drive down assembly - main issue - line 29 -

Chunker - ?

P. Clark - Read Causys Sept Bill -

"Door is not closed" suits are still happening.

P. Clark - page 3 line 21

MOVE - AMENDMENT -

Malmar - variations in terrain

LEGISLATIVE TAPE LOG

HOUSE JUDICIARY COMMITTEE

PAMELA SCHINDLER, Secretary

Date: 3/9/99

Tape 3
Sicler B

TAPE COUNT

Cont.

NOTES (Exec. Act.)

SB81

Doernig - (language remains -
materially occurring condition)

Malmer - responses

Doernig - responses

P. Clerk - difference is: who gets
paying - standards are higher

Spencer - amend in section for responsibility

2. - P. Clerk Amendment - (voice vote)
Amendment for

SB87 - Malmer Wyatt Galt
15/5 - Clerk, Egger
(voice vote) Muller

29/

mutual adj.

11:29am

**HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 13, 1999

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by House page Hoyt Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Adams, Brown, Grinde, Hanson, Hurdle, and Taylor. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-sixth legislative day, find the same to be correct.

Rehbein, Chairman

Mr. Speaker introduced the honorary pages for the day:

Heather Bitney, Kalispell
Ashley Fuchs, Billings
C.C. Fuchs, Billings
Brandy Bick, Worden
Bridgid Crowley, Helena
Taylor Thomas, Billings
Austin Thomas, Billings
Andrew Bruce, Bozeman
Striker Clark, Trout Creek
Becky Hamilton, Billings
Cole McCann, Harlem

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OF MONTANA

REPORTS OF STANDING COMMITTEES

Correctly printed: **HJR 18, SB 5, SB 70, SB 342, SB 348, SB 369, SB 386, SB 415, SB 457, SB 471, SB 488, SB 496.**

Correctly engrossed: **HB 555, SB 112, SB 114, SB 128, SB 188, SB 197, SB 230, SB 394.**

Signed by the Speaker at 4:55 p.m., March 12, 1999: **HB 24, HB 94, HB 121, HB 168, HB 171, HB 172, HB 357, HB 392, HB 571, HJR 3.**

Signed by the Speaker at 10:19 a.m., March 13, 1999: **HB 23, HB 41, HB 70, HB 110, HB 123, HB 156, HB 190, HB 200, HB 231, HB 241, HB 274, HB 387, HB 454, HB 467, HJR 22.**

AGRICULTURE (Barnett, Chairman):
SB 342, be concurred in. Report adopted.

3/12/1999

APPROPRIATIONS (Zook, Chairman):
HB 11, introduced bill, be amended as follows:

3/12/1999

1. Page 1, line 27.

Following: "[section 3]."

Insert: "It is the intent of the legislature that projects numbered 23 through 25 listed in subsection (3) may not receive grant funds until sufficient funds have been deposited in the treasure state endowment special revenue account

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

and are available for that purpose."

2. Page 2, line 7.

Strike: "500,000"

Insert: "485,850"

3. Page 2.

Following: line 23

Insert: "25. Town of Chester (water) 220,150"

4. Page 2, line 30.

Strike: "24"

Insert: "22"

And, as amended, do pass. Report adopted.

HB 13, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "CERTAIN"

2. Title, line 6.

Following: "EMPLOYEES"

Insert: "IN THE STATEWIDE AND BLUE-COLLAR PAY PLANS; INCREASING THE LONGEVITY ALLOWANCE AT THE 15- AND 20-YEAR INCREMENTS; REVISING THE MILEAGE REIMBURSEMENT RATE; INCREASING THE STATE CONTRIBUTION TO THE EMPLOYEE GROUP BENEFIT PROGRAM"

3. Title, line 9.

Following: "2-18-303,"

Insert: "2-18-304,"

Following: "2-18-313,"

Strike: "AND"

Following: "2-18-315,"

Insert: "2-18-503, AND 2-18-703,"

Strike: "AN"

4. Title, line 10.

Strike: "DATE"

Insert: "DATES"

5. Page 4, line 14.

Following: line 13

Insert: "(8) Nothing in this part prohibits the board of regents from engaging in negotiations with the collective bargaining units representing the classified staff of the university system."

6. Page 4, line 27.

Following: "~~service.~~"

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

Insert: "Effective on the first day of the pay period that includes an employee's anniversary date during the fiscal years ending June 30, 2000, and June 30, 2001, the employee's base salary must be increased by 3% or by a lesser amount so that the employee's base salary after the increase does not exceed the maximum salary of the pay grade as provided in subsection (1)(f). An employee's base salary increases resulting from subsection (1)(e) and this subsection may not exceed a maximum of 3% in each fiscal year."

7. Page 8.

Following: line 10

Insert: "Section 4. Section 2-18-304, MCA, is amended to read:

"2-18-304. Longevity allowance. (1) (a) In addition to the compensation provided for in 2-18-303, 2-18-312, 2-18-313, or 2-18-315, each employee who has completed 5 years of uninterrupted state service must receive 1.5% of the employee's base salary multiplied by the number of completed, contiguous 5-year periods of uninterrupted state service.

(b) Beginning October 1, 1999, in addition to the longevity allowance provided under subsection (1)(a), each employee who has completed 15 years of uninterrupted state service or completed 20 years of uninterrupted state service must receive an additional 0.5% of the employee's base salary for each of those additional 5 years of uninterrupted service.

~~(b)(c)~~ Service to the state is not interrupted by authorized leaves of absence.

(2) (a) For the purpose of determining years of service under this section, an employee must be credited with 1 year of service for each period of:

(i) 2,080 hours of service following the employee's date of employment; an employee must be credited with 80 hours of service for each biweekly pay period in which the employee is in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in the pay period; or

(ii) 12 uninterrupted calendar months following the employee's date of employment in which the employee was in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in any month. An employee of a school at a state institution or the university system must be credited with 1 year of service if the employee is employed for an entire academic year.

(b) State agencies, other than the university system and a school at a state institution, shall use the method provided in subsection (2)(a)(i) to calculate years of service under this section.

(3) For the purposes of calculating longevity, employment as a short-term worker does not apply toward years of service."

Renumber: subsequent sections

8. Page 8, line 13.

Strike: "for" through "2001"

Following: "(+)"

Insert: "(1)"

9. Page 8, line 15.

Strike: "years"

Insert: "year"

Following: "2000"

Strike: "and 2001"

10. Page 10.

Following: line 15

Insert: "(2) Effective on the first day of the pay period that includes October 1, 1999, the statewide classification pay schedule is as follows:

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

Annual Hours -- 2080

Note: Does Not

Include Insurance

Pay Matrix -- State

Matrix Type --
Annual

Pay Range: Entry Salary to Market Salary

GRADE	ENTRY SALARY	MARKET SALARY
1	9,075	10,677
2	9,776	11,527
3	10,529	12,447
4	11,346	13,445
5	12,262	14,562
6	13,283	15,814
7	14,383	17,164
8	15,631	18,695
9	16,964	20,342
10	18,445	22,171
11	20,064	24,172
12	21,859	26,397
13	23,810	28,827
14	25,975	31,520
15	28,365	34,507
16	31,032	37,848
17	34,014	41,585
18	37,222	45,614
19	40,814	50,140
20	44,824	55,199
21	49,275	60,836
22	54,251	67,140
23	59,860	74,271
24	66,163	82,291
25	73,135	91,189

(3) Effective on the first day of the pay period that includes October 1, 2000, the statewide classification pay schedule is as follows:

Annual Hours -- 2080

Note: Does Not

Include Insurance

Pay Matrix -- State

Matrix Type --
Annual

Pay Range: Entry Salary to Market Salary

GRADE	ENTRY SALARY	MARKET SALARY
-------	--------------	---------------

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

1	9,075	10,677
2	9,776	11,527
3	10,529	12,447
4	11,346	13,445
5	12,262	14,562
6	13,316	15,854
7	14,456	17,249
8	15,748	18,834
9	17,135	20,546
10	18,676	22,447
11	20,365	24,534
12	22,241	26,859
13	24,286	29,403
14	26,560	32,230
15	29,074	35,370
16	31,884	38,888
17	35,036	42,833
18	38,339	46,983
19	42,039	51,644
20	46,170	56,885
21	50,754	62,660
22	55,877	69,154
23	61,655	76,498
24	68,147	84,760
25	75,329	93,924"

11. Page 10, line 18.

Following: "(t)"

Insert: "(1)"

12. Page 10, line 19 through line 20.

Following: ", " on line 19

Strike: the remainder of line 19 through "thereafter" on line 20

Insert: "1999, until the first day of the pay period that includes October 1, 2000"

13. Page 11, line 13 through line 25.

Strike: in their entirety

Insert:

"1	24,351	25,082	25,834	26,609	27,407	28,229
2	25,082	25,834	26,609	27,407	28,229	29,077
3	25,834	26,609	27,407	28,229	29,077	29,949
4	26,609	27,407	28,229	29,077	29,949	30,847
5	27,407	28,229	29,077	29,949	30,847	31,772
6	28,229	29,077	29,949	30,847	31,772	32,726
7	29,077	29,949	30,847	31,772	32,726	33,708
8	29,949	30,847	31,772	32,726	33,708	34,719
9	30,847	31,772	32,726	33,708	34,719	35,761

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

10	31,772	32,726	33,708	34,719	35,761	36,834
11	32,726	33,708	34,719	35,761	36,834	37,938
12	33,708	34,719	35,761	36,834	37,938	39,076
13	34,719	35,761	36,833	37,939	39,076	40,248

(2) Effective on the first day of the pay period that includes October 1, 2000, the pay schedule for teachers is as follows:

Annual Hours -- 2080

Note: Does Not Include Insurance

Term -- Twelve Months

Matrix Type -- Annual

STEP	Education Level					
	BA		BA+1	BA+2	BA+3	MA
						MA+1
1	25,082	25,834	26,609	27,407	28,229	29,076
2	25,834	26,609	27,407	28,229	29,076	29,949
3	26,609	27,407	28,229	29,076	29,949	30,848
4	27,407	28,229	29,076	29,949	30,848	31,773
5	28,229	29,076	29,949	30,848	31,773	32,726
6	29,076	29,949	30,848	31,773	32,726	33,708
7	29,949	30,848	31,773	32,726	33,708	34,719
8	30,848	31,773	32,726	33,708	34,719	35,761
9	31,773	32,726	33,708	34,719	35,761	36,833
10	32,726	33,708	34,719	35,761	36,833	37,939
11	33,708	34,719	35,761	36,833	37,939	39,076
12	34,719	35,761	36,833	37,939	39,076	40,248
13	35,761	36,834	37,938	39,077	40,248	41,456"

14. Page 15.

Following: line 2

Insert: "Section 8. Section 2-18-503, MCA, is amended to read:

"2-18-503. **Mileage -- allowance.** (1) Members of the legislature, state officers and employees, jurors, witnesses, county agents, and all other persons who may be entitled to mileage paid from public funds when using their own automobiles in the performance of official duties are entitled to collect mileage for the distance actually traveled by automobile and no more unless otherwise specifically provided by law.

(2) When the individual is authorized to operate a privately owned vehicle even though a government-owned or leased vehicle is available, a rate of 3 cents less per mile than the mileage rate allowed by the United States internal revenue service for the preceding current year must be paid.

(3) When a privately owned vehicle is used because a government-owned or leased vehicle is not available or because the use is in the best interest of the governmental entity, a rate equal to the mileage allotment allowed by the United States internal revenue service for the preceding current year must be paid for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month.

(4) Members of the legislature, state officers and employees, jurors, witnesses, county agents, and all other persons who may be entitled to mileage paid from public funds, when using their own airplanes in the performance of official duties, are entitled to collect mileage for the nautical air miles actually traveled at a rate of twice the mileage allotment for automobile travel and no more unless specifically provided by law.

(5) This section does not alter 5-2-301.

(6) The department of administration shall prescribe policies necessary for the effective administration of

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this section for state government. The Montana Administrative Procedure Act, Title 2, chapter 4, does not apply to policies prescribed to administer this part."

Insert: "Section 9. Section 2-18-703, MCA, is amended to read:

"2-18-703. **Contributions.** (1) Each agency, as defined in 2-18-601, shall contribute the amount specified in this section towards the group benefits cost.

(2) For employees defined in 2-18-701 and for members of the legislature, the employer contribution for group benefits is ~~\$245 per \$270 a month for the fiscal year ending June 30, 1998, and \$270 a month for the fiscal year ending June 30, 1999~~ period from July 1999 through December 1999, \$285 a month for the period from January 2000 through December 2000, and \$295 a month for January 2001 and for each succeeding fiscal year month. When a state employee is terminated to achieve a reduction in force, the continuation of contributions for group benefits beyond the termination date is subject to negotiation under 39-31-305. Permanent part-time, seasonal part-time, and temporary part-time employees who are regularly scheduled to work less than 20 hours a week are not eligible for the group benefit contribution. An employee who elects not to be covered by a state-sponsored group benefit plan may not receive the state contribution. A portion of the employer contribution for group benefits may be applied to an employee's costs for participation in Part B of medicare under Title XVIII of the Social Security Act, as amended, if the state group benefit plan is the secondary payer and medicare the primary payer.

(3) For employees of elementary and high school districts and of local government units, the employer's premium contributions may exceed but may not be less than \$10 a month.

(4) Unused employer contributions for any state employee must be transferred to an account established for this purpose by the department of administration and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member.

(5) Unused employer contributions for any government employee may be transferred to an account established for this purpose by a self-insured government and upon transfer may be used to offset losses occurring to the group of which the employee is eligible to be a member or to increase the reserves of the group.

(6) The laws prohibiting discrimination on the basis of marital status in Title 49 do not prohibit bona fide group insurance plans from providing greater or additional contributions for insurance benefits to employees with dependents than to employees without dependents or with fewer dependents."

Renumber: subsequent sections

15. Page 15, line 5.

Strike: "[section 6]"

Insert: "[sections 1 through 9]"

16. Page 15.

Following: line 8

Insert:

"Legislative Branch	106,820	25,563	256,094	60,984	
Consumer Counsel			7,700		18,500
Judiciary	42,255	11,808	102,438	28,320	
University System	2,476,602	1,033,080	5,719,201		2,685,205"

17. Page 15, line 9.

Following: "Planning"

Insert: ":

18. Page 15, line 10.

Following: "agencies"

Strike: the remainder of line 10 in its entirety

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Insert: "3,060,987 5,236,444 7,385,909 12,412,723"

19. Page 15, line 12.

Strike: "date"

Insert: "dates"

Strike: "[This act] is"

Insert: "(1) [Sections 1 through 7, 9, and 10] are"

Following: "1999."

Insert: "(2)[Section 8] is effective April 1, 1999.

(3) [This section] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 135, introduced bill, be amended as follows:

1. Page 2, line 15.

Strike: "\$1,980,307"

Insert: "\$1,326,807"

2. Page 2, line 18.

Strike: "\$70,180 \$93,573"

Insert: "\$47,021 \$62,694"

3. Page 2, line 19.

Strike: "751,852 944,850"

Insert: "503,741 633,050"

4. Page 2, line 20.

Strike: "51,366 68,486"

Insert: "34,415 45,886"

5. Page 2, line 24.

Strike: ":",

Insert: ", "

6. Page 2, line 25.

Strike: "(a)"

7. Page 2, line 26.

Following: "to"

Strike: the remainder of line 26

Insert: "6% over their current base salary."

8. Page 2, line 27 through line 30.

Strike: in their entirety

9. Page 3, line 12.

Strike: "\$1,980,307"

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Insert: "\$1,326,807"

10. Page 3, line 15.

Strike: "\$70,180 \$93,573"

Insert: "\$47,021 \$62,694"

11. Page 3, line 16.

Strike: "751,852 944,850"

Insert: "503,741 633,050"

12. Page 2, line 20.

Strike: "51,366 68,486"

Insert: "34,415 45,886"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Simon, Chairman):

3/12/1999

SB 169, be amended as follows:

1. Title, line 5.

Following: ";;"

Insert: "AUTHORIZING ADDITIONAL MONTANA SMALL BUSINESS INVESTMENT CAPITAL COMPANIES;"

2. Title, line 6.

Following: "17-6-308,"

Insert: "32-1-422,"

Following: "90-8-201,"

Insert: "90-8-202,"

3. Title, line 7.

Following: "90-8-303,"

Insert: "90-8-304, 90-8-305, 90-8-311, 90-8-312, 90-8-313,"

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

4. Page 3, line 30.

Insert: "Section 2. Section 32-1-422, MCA, is amended to read:

"32-1-422. Restriction on investment in corporate stock -- rulemaking authority. (1) Except as provided in subsections (2) and (3), a commercial or savings bank may not purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of capital stock is necessary to prevent loss to the bank on a debt previously contracted in good faith. Any capital stock so purchased or acquired must be sold by the bank within 6 months after purchase or acquisition if it can be sold for the amount of the claim of the bank against it. All capital stock purchased or acquired must be sold for the best price obtainable by the bank within 1 year after purchase or acquisition, or if the stock is unmarketable, it must be charged off as an investment loss, which is equivalent to the stock's sale. A person or corporation violating any provision of this section shall forfeit to the state twice the nominal amount of the stock.

(2) A bank may acquire and hold for its own account:

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(a) up to 20% of its capital and surplus in the capital stock of a bank service corporation organized solely for the purpose of providing services to banks;

(b) shares of stock of a federal reserve bank, without limitation of amount; and

(c) shares of stock in a Montana capital company or ~~the a~~ Montana small business investment capital company within limits prescribed by the Montana Capital Company Act.

(3) A bank may invest any amount up to the limit established by the department of its unimpaired capital and surplus in shares of stock of:

(a) the federal national mortgage association;

(b) the federal home loan mortgage corporation;

(c) the federal agricultural mortgage corporation; and

(d) other corporations created pursuant to acts of congress to meet the agricultural, housing, health, transit, educational, environmental, or similar needs of the nation when the department determines that the investment is in the public interest.

(4) The department shall adopt rules to implement this section.""

Renumber: subsequent sections

5. Page 5, lines 28 and 29.

Following: "companies"

Strike: "-- certification of a Montana small business investment capital company"

Insert: "and small business investment capital companies"

6. Page 5, line 29.

Following: "certify"

Strike: "one"

7. Page 5, line 30.

Strike: "company"

Insert: "companies"

8. Page 6, line 1.

Strike: "the"

Insert: "a"

9. Page 6, line 4 through line 5.

Strike: "The" on line 4 through "90-8-202." on line 5

10. Page 6, line 15.

Strike: "the"

Insert: "a"

11. Page 6, line 16.

Strike: "the"

Insert: "a"

12. Page 6, line 18.

Strike: "utilize the tax credits to"

13. Page 7, line 3 through line 4.

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Following: "companies" on line 3

Strike: "-- certification of Montana small business investment capital company"

Insert: "and small business investment capital companies"

14. Page 7, line 4.

Strike: "one"

15. Page 7, line 5.

Strike: "company"

Insert: "companies"

16. Page 7, line 6.

Strike: "the"

Insert: "a"

17. Page 7, line 9 through line 10.

Strike: "The" on line 9 through "90-8-202." on line 10

18. Page 7, line 20.

Strike: "the"

Insert: "a"

19. Page 7, line 21.

Strike: "the"

Insert: "a"

20. Page 7, line 23.

Strike: "using" through "accumulate"

Insert: "accumulating"

21. Page 8, line 7.

Insert: "Section 6. Section 90-8-202, MCA, is amended to read:

"90-8-202. Designation of qualified Montana capital companies -- designation of qualified Montana small business investment capital company -- tax credit. (1) The department shall designate as:

(a) qualified Montana capital companies those certified companies that have been privately capitalized at a minimum level of \$200,000; or

(b) ~~the~~ a qualified Montana small business investment capital company ~~the~~ a certified Montana small business investment capital company once it has been privately capitalized at a minimum level of \$500,000.

(2) A certified company seeking designation as a qualified Montana capital company or as ~~the~~ a qualified Montana small business investment capital company ~~must~~ shall make written application to the department on forms provided by the department. The application must contain the information required by 90-8-204 and other information that the department requires.

(3) (a) The total amount of tax credits authorized for a single qualified capital company or ~~the~~ a qualified Montana small business investment capital company may not exceed \$1,500,000, except that ~~the~~ a qualified Montana small business investment capital company must receive all remaining tax credits under this section available as of January 1, 1991. In the event the capitalization of a qualified capital company is later increased, the company may apply for authorization of additional tax credits within the foregoing limitation.

(b) The total credits authorized for all companies may not exceed a total of \$1 million prior to June 30, 1985.

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The total credits authorized for all companies between July 1, 1985, and June 30, 1987, may not exceed \$1 million plus any portion of the \$1 million available for authorization before June 30, 1985, that is allocated to qualified companies. The total credits authorized for all companies between July 1, 1987, and June 30, 1989, may not exceed \$3 million plus any portion of the credits available for authorization before June 30, 1987, that is allocated to qualified companies. The total credits authorized for all companies between July 1, 1989, and June 30, 1991, may not exceed \$3 million plus any portion of the credits available for authorization before June 30, 1989, that is allocated to qualified companies.

(4) (a) Before January 1, 1991, credits must be allocated to qualified companies in the order that completed applications for designation as qualified capital companies are received by the department, and the department shall certify to each company its appropriate allocation.

(b) All tax credits allowed under subsection (3) that are not allocated as of January 1, 1991, must be allocated to ~~the~~ a qualified Montana small business investment capital company, and the department shall certify the allocation to the company.

(c) If the legislature provides additional tax credits under this chapter after June 30, 1991, or if tax credits become available by reversion to the department by a capital company or by ~~the~~ a qualified Montana small business investment capital company, those additional or reverted tax credits must be allocated by the department to qualified capital companies or to ~~the~~ a qualified Montana small business investment capital company in accordance with this chapter and the rules of the department.

(5) Investors in a qualified Montana capital company or in ~~the~~ a qualified Montana small business investment capital company are entitled to the tax credits provided for in subsection (6). Funds invested in a certified company prior to designation as a qualified Montana capital company or as ~~the~~ a qualified Montana small business investment capital company may, at the discretion of the investor, be placed in an escrow account in a Montana financial institution pending designation of the company as a qualified Montana capital company or as ~~the~~ a qualified Montana small business investment capital company.

(6) Subject to the provisions of subsections (3) and (9), an individual, small business corporation, partnership, trust, decedent's estate, or corporate taxpayer that makes a capital investment in a qualified Montana capital company or ~~the~~ a qualified Montana small business investment capital company is entitled to a tax credit equal to 50% of the investment, up to a maximum credit for investments in all qualified Montana capital companies of \$150,000 per taxpayer, except that, as applied to ~~the~~ a qualified small business investment capital company, the maximum tax credit is \$250,000 per taxpayer and the tax credit limitation relating to a capital investment in ~~the~~ a qualified Montana small business investment capital company must be in addition to any other tax credit limitation in this section. The credit may be taken against the tax liability imposed on the investor pursuant to Title 15, chapter 30, 31, or 35. The credit for investments by a small business corporation defined in 15-31-201 or a partnership may be claimed by the small business corporation shareholders or the partners.

(7) The tax credit allowed under subsection (6) is to be credited against the taxpayer's income tax liability or coal severance tax liability for the taxable year in which the investment in a qualified Montana capital company or ~~the~~ a qualified Montana small business investment capital company is made. If the amount of the tax credit exceeds the taxpayer's tax liability for the taxable year, the amount of the credit which exceeds the tax liability may be carried back or carried forward in the following manner:

(a) If the sum of the amount of credit for the current taxable year plus the amount of credit, if any, carried forward from a previous taxable year exceeds the taxpayer's tax liability for the current taxable year, the excess must be carried back as a credit to the 3 preceding taxable years and, if the full credit remains unused, carried forward as a credit to the 15 succeeding taxable years.

(b) The amount of unused credit must be used to offset the entire tax liability of each of the 18 taxable years, beginning with the earliest and commencing to the next succeeding year until the credit is exhausted.

(8) The tax credit provided for in this section is available only to those taxpayers who invest in a qualified Montana capital company within 4 years of July 1, 1987, or in ~~the~~ a qualified Montana small business investment capital company within 4 years of July 1, 1991.

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(9) (a) An individual, small business corporation, partnership, or corporate taxpayer who obtains the tax credit allowed under subsection (6) may not obtain credits in excess of the limits contained in subsection (6) by making investments as more than one entity.

(b) A partner or shareholder in a small business corporation may not obtain more than \$150,000, or not more than \$250,000 in the case of ~~the~~ a qualified Montana small business investment capital company, in credits as an individual and as the partnership or small business corporation. A corporate taxpayer that obtains the maximum credits allowed under this subsection (9)(b) may not obtain additional credits through investments by wholly owned subsidiaries or affiliates. An individual, small business corporation, partnership, or corporate taxpayer who obtains the tax credit allowed under subsection (6) may not claim deduction under the provisions of Title 15, chapter 30 or 31, for donation of stock in ~~the~~ a qualified Montana small business investment capital company."

Renumber: subsequent sections

22. Page 8, line 10.

Strike: "the"

Insert: "a"

23. Page 8, line 27.

Insert: "Section 8. Section 90-8-204, MCA, is amended to read:

"**90-8-204. Application requirements.** A company applying to become either a certified or qualified Montana capital company or ~~the~~ a certified or qualified Montana small business investment capital company shall include in its application evidence that it has disclosed or will disclose to all investors the following:

(1) the condition that a tax credit is not available for investment in a company until the company has been designated a qualified Montana capital company or ~~the~~ a qualified Montana small business investment capital company and the investor has received a certificate approving the credit from the department;

(2) the condition that a tax credit will not be made available until a qualified capital company raises at least \$200,000 in capital and has been designated a qualified capital company or ~~the~~ a qualified Montana small business investment capital company raises at least \$500,000 in capital before July 1, 1995, and has been designated ~~the~~ a qualified Montana small business investment capital company and the limits on tax credits that may be authorized; and

(3) the fact that the state of Montana is not liable for damages in accordance with 90-8-205."

Renumber: subsequent sections

24. Page 9, line 20.

Strike: "The"

Insert: "A"

25. Page 9, line 24.

Following: "as"

Strike: "the"

Insert: "a"

26. Page 9, line 28.

Following: "as"

Strike: "the"

Insert: "a"

27. Page 10, line 2.

Following: "as"

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Strike: "the"

Insert: "a"

28. Page 10, line 12.

Strike: "the"

Insert: "a"

29. Page 10, line 16.

Following: "allocated to"

Strike: "the"

Insert: "a"

Following: "or to"

Strike: "the"

Insert: "a"

30. Page 10, line 17.

Following: "if"

Strike: "the"

Insert: "a"

31. Page 10, line 18.

Following: "or"

Strike: "the"

Insert: "a"

32. Page 10, line 26.

Following: "company or"

Strike: "the"

Insert: "a"

33. Page 11, line 7.

Following: "or by"

Strike: "the"

Insert: "a"

34. Page 11, line 17.

Following: "or of"

Strike: "the"

Insert: "a"

35. Page 11, line 23.

Insert: "Section 12. Section 90-8-304, MCA, is amended to read:

"90-8-304. **Application of securities law.** In lieu of registration under Title 30, chapter 10, a certified Montana capital company or ~~the~~ a certified Montana small business investment capital company may file all disclosure documents, along with a consent to service of process, with the state securities commissioner. The commissioner may not charge a fee for the filing."

Insert: "Section 13. Section 90-8-305, MCA, is amended to read:

"90-8-305. **Sale of debentures.** (1) A qualified Montana capital company or ~~the~~ a qualified Montana small

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business investment capital company is authorized to issue and sell debentures to the permanent coal tax trust fund.

(2) Proceeds received by a qualified Montana capital company or by ~~the~~ a qualified Montana small business investment capital company from the sale of debentures authorized in subsection (1) must be invested in accordance with the provisions of 90-8-301, except that the time periods for making qualified investments must be calculated from the date the company sells the debentures to the permanent coal tax trust fund."

Insert: "Section 14. Section 90-8-311, MCA, is amended to read:

"90-8-311. **Legislative review and oversight.** The department shall report on an annual basis to the revenue oversight committee of the legislature concerning Montana capital companies and ~~the~~ Montana small business investment capital ~~company~~ companies."

Insert: "Section 15. Section 90-8-312, MCA, is amended to read:

"90-8-312. **Investment reporting and recordkeeping.** (1) Each qualified Montana capital company and each qualified Montana small business investment capital company shall report to the department on a quarterly basis:

- (a) the name of each investor in the qualified Montana capital company or in the qualified Montana small business investment capital company who has applied for a tax credit;
- (b) the amount of each investor's investment;
- (c) the amount of the tax credit allowed to the investor and the date on which the investment was made; and
- (d) any other information determined by the department.

(2) The department shall provide the information contained in subsection (1) to the department of revenue on a quarterly basis.

(3) The department shall provide each investor in a qualified Montana capital company and each investor in ~~the~~ a qualified Montana small business investment capital company with a certificate authorizing the tax credit, and the certificate must be submitted with each tax return requesting a credit under 90-8-202.

(4) Each qualified Montana capital company and ~~the~~ each qualified Montana small business investment capital company shall report to the department on a quarterly basis all qualified investments that the company has made. The department shall share the information with the department of revenue, in order that the provisions of 90-8-301 may be complied with.

(5) Each qualified Montana capital company shall report to the department all proposed investments to be made from its capital base. The capital company may not make the proposed investment unless the department determines, within 10 days of submission of a report satisfactory to the department, that the proposed investment is qualified under this chapter."

Insert: "Section 16. Section 90-8-313, MCA, is amended to read:

"90-8-313. **Examination.** (1) At least once a year the department shall examine the books and affairs of each Montana capital company and of ~~the~~ each qualified Montana small business investment capital company. The examination must address the methods of operation and conduct of the business of the Montana capital company or of the Montana small business investment capital company to determine if the company is abiding by the purposes of this chapter and that the funds received by the company have been invested within the time limits required for a qualified Montana capital company or for ~~the~~ a qualified Montana small business investment capital company in 90-8-301.

(2) The department may examine under oath any of the officers, directors, agents, employees, or investors of a Montana capital company regarding the affairs and business of the company. The department may issue subpoenas and administer oaths. Refusal to obey such a subpoena may at once be reported to the district court of the district in which the company is located, and the court shall enforce obedience to the subpoena in the manner provided by law.

(3) The cost of the annual review must be paid by each Montana capital company or by ~~the~~ each Montana small business investment capital company in accordance with reasonable fees assessed by the department."

Renumber: subsequent sections

36. Page 11, line 26.

Strike: "the"

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Insert: "a"

37. Page 12, line 10.

Strike: "the"

Insert: "a"

38. Page 12, line 12.

Following: "or"

Strike: "the"

Insert: "a"

39. Page 12, line 17.

Strike: "the"

Insert: "a"

40. Page 12, line 25.

Insert: "NEW SECTION. Section 18. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

41. Page 12.

Following: line 26

Insert: "NEW SECTION. Section 20. Applicability. [This act] applies to any capital company or small business investment capital company operating prior to or on or organized after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

SB 369, be concurred in. Report adopted.

SB 386, be concurred in. Report adopted.

SB 439, be amended as follows:

1. Page 2, lines 22 and 23.

Following: "to" on line 22

Strike: the remainder of line 22 through "people" on line 23

Insert: "between 9 and 40 people on average"

2. Page 2, line 27.

Following: "to"

Strike: "at least 9 but not more than 24 people"

Insert: "between 9 and 24 people on average"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Brainard, Chairman):

3/12/1999

HB 496, do pass. Report adopted.

SB 5, be concurred in. Report adopted.

SB 434, be amended as follows:

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1. Page 1, line 21.

Following: "19-9-1009"

Insert: "or [section 2]"

2. Page 2.

Following: line 28

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 19, chapter 9, part 10, and the provisions of Title 19, chapter 9, part 10, apply to [section 2]."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

3/12/1999

HB 393, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

Strike: "SALES" in both places

Insert: "LUXURY" in both places

2. Title, page 1, line 7.

Following: "TAXES;"

Insert: "PROHIBITING DOUBLE TAXATION;"

3. Page 1, line 14.

Strike: "sales"

Insert: "luxury"

4. Page 1.

Following: line 16

Insert: "(2) "Establishments" means businesses that sell luxury goods and services and may include any of the following:

(a) hotels, motels, and other lodging or camping facilities;

(b) restaurants, fast food stores, and other food service establishments;

(c) taverns, bars, night clubs, lounges, and other public establishments that serve beer, wine, liquor, or other alcoholic beverages by the drink;

(d) ski resorts and other recreational facilities that are not subject to the resort tax or resort community tax under Title 7, chapter 6, part 15;

(e) other establishments that sell taxable luxury goods and services."

Renumber: subsequent subsections

5. Page 1.

Following: line 18

Insert: "(5) "Luxury" means any gift item, luxury item or other item, or service normally sold to the public or to transient visitors or tourists. The term does not include medicine or medical supplies and services."

Renumber: subsequent subsections

6. Page 1, line 24 through line 25.

Strike: subsection (7) in its entirety

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7. Page 1, line 27.

Strike: "sales"

Insert: "luxury"

8. Page 2, line 2.

Strike: "the general sale or use of"

Insert: "luxury"

9. Page 2, line 2 through line 3.

Following: "services" on line 2

Strike: the remainder of line 2 through "services" on line 3

Insert: "sold, except for goods and services sold for resale, within the local government jurisdiction"

10. Page 2.

Following: line 8

Insert: "(b) if the tax is a local option luxury tax, the type of establishments that are required to collect the tax;"

Renumber: subsequent subsections

11. Page 3, line 22.

Strike: "sales"

Insert: "luxury"

12. Page 3, line 23.

Strike: "sales"

Insert: "luxury"

13. Page 3, line 25.

Following: "value of"

Insert: "all luxury"

14. Page 3, line 27.

Following: "Establishments"

Insert: "specified in the petition or resolution"

Following: "sell"

Insert: "luxury"

Following: "tax on"

Insert: "luxury"

15. Page 3, line 29.

Strike: "sales"

Insert: "luxury"

16. Page 4, lines 4, 7, 9, 13, 15, and 19.

Strike: "sales"

Insert: "luxury"

17. Page 5, line 11.

Following: "(a)"

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Insert: "except as provided in subsection (4),"

Strike: "sales"

Insert: "luxury"

18. Page 5.

Following: line 22

Insert: "(4) A distribution of local option luxury tax revenue may not be made to a resort community that imposes a resort tax under Title 7, chapter 6, part 15."

19. Page 6, lines 1, 2, and 4.

Strike: "sales"

Insert: "luxury"

20. Page 6, line 2.

Strike: "7-6-1509"

Insert: "7-6-1507"

And, as amended, do pass. Report adopted.

HB 622, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "16"

Insert: "13"

2. Page 1, line 17.

Strike: "four"

Insert: "three"

3. Page 1, line 19.

Strike: "two members"

Insert: "one member"

4. Page 1, line 20.

Strike: "two members"

Insert: "one member"

Strike: "and"

Following: line 20

Insert: "(g) one member appointed by the Montana school boards association; and"

Renumber: subsequent subsection

5. Page 1, line 21.

Strike: "two members"

Insert: "one member"

6. Page 1, line 24.

Strike: "14"

Insert: "13"

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7. Page 1, line 30.
Strike: "two members"
Insert: "one member"

8. Page 3, line 21.
Strike: "\$200,000"
Insert: "\$100,000"

And, as amended, do pass. Report adopted.

HB 651, introduced bill, be amended as follows:

1. Page 2.
Following: line 6

"NEW SECTION. Section 2. Coordination instruction. If House Bill No. 582 and [this act] are both passed and approved, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 654, introduced bill, be amended as follows:

1. Page 1, line 22.
Strike: "paid"
Insert: "incurred"

2. Page 4.
Following: line 7

Insert: "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 582 and [this act] are both passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/12/1999

HB 52, introduced by Menahan

HB 154, introduced by Gallus

HB 352, introduced by Brainard

HB 531, introduced by Gillan

House joint resolution concurred in and returned to the House:

3/12/1999

HJR 23, introduced by Lindeen

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

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HB 64, introduced by McCann
HB 130, introduced by Story
HB 232, introduced by Rose
HB 282, introduced by Johnson

3/12/1999

SB 260 - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 260**:

3/12/1999

Senator Devlin, Chairman
Senator Glaser
Senator Stang

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 669, introduced by B. Story, B. DePratu, K. Gillan, C. Hibbard, S. Stang, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 33, introduced by D. Haines, A. Curtiss, D. Fuchs, B. Raney, B. Thomas, J. Witt, referred to Fish, Wildlife and Parks.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 112, as amended by the House, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Adams, Brown, Grinde, Hanson, Hurdle, Taylor, Ayes.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

SB 114 concurred in as follows:

Ayes: J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Mangan, Masolo, Matthews, McCulloch, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 81

Noes: Adams, Ahner, P. Bergsagel, Brainard, Davies, Grinde, Jore, McCann, McGee, Molnar, Orr, Raney, Rehbein, Vick, Wagner.

Total 15

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, Grinde, Noes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fisher, Lindeen, McKenney.

Total 4

SB 128, as amended by the House, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 87

Noes: E. Bergsagel, P. Bergsagel, Dale, Davies, Jore, Kasten, McGee, Molnar, Orr, Rehbein, Story, Vick, Wagner.

Total 13

Voted Absentee: Adams, Brown, Grinde, Hanson, Hurdle, Taylor, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 136 concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 82

Noes: Adams, J. Andersen, S. Anderson, P. Bergsagel, Curtiss, Davies, Hanson, Jore, Kasten, Mood, Orr, Rehbein, Sliter, Story, Taylor, Vick, Wagner.

Total 17

Voted Absentee: Brown, Grinde, Ayes; Adams, Hanson, Taylor, Noes.

Excused: Hurdle.

Total 1

Absent or not voting: None.

Total 0

SB 188 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 95

Noes: Gallus, Hurdle, McGee, Orr, Wagner.

Total 5

Voted Absentee: Adams, Brown, Grinde, Hanson, Taylor, Ayes; Hurdle, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 197 concurred in as follows:

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Ayes: J. Andersen, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Mood, Noennig, Pavlovich, Peck, Raney, Ryan, Schmidt, Smith, Soft, Squires, Stovall, Swanson, Tash, Thomas, Tropila, Tuss, Williams, Witt, Wyatt, Mr. Speaker.

Total 56

Noes: Adams, Ahner, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Brainard, Brown, R. Clark, Curtiss, Dale, Davies, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Jore, Kasten, Krenzler, Masolo, McCann, McGee, McKenney, Molnar, Ohs, Orr, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Taylor, Trexler, Vick, Wagner, Walters, Younkin, Zook.

Total 44

Voted Absentee: Hurdle, Aye; Adams, Brown, Grinde, Hanson, Taylor, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 230 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: Jore, Quilici.

Total 2

Voted Absentee: Adams, Brown, Grinde, Hanson, Hurdle, Taylor, Ayes.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

SB 394 concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus,

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Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 88

Noes: Adams, P. Bergsagel, Brainard, R. Clark, Davies, Jore, McGee, Orr, Vick, Wagner.

Total 10

Voted Absentee: Brown, Grinde, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: None.

Total 0

Absent or not voting: Harrington, Rose.

Total 2

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 428 - Representative Hibbard moved **SB 428** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Soft, Somerville, Squires, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 81

Noes: Adams, E. Bergsagel, P. Bergsagel, Jackson, Jore, Kasten, McCann, Orr, Rehbein, Sliter, Smith, Story, Vick, Wagner.

Total 14

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.

Total 1

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Absent or not voting: Ohs, Pavlovich, Swanson, Walters.
Total 4

SB 325 - Representative Golie moved **SB 325** be concurred in.

SB 325 - Representative Golie moved **SB 325**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

Strike: the first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, following line 30.

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 87

Noes: Jore, Lawson, Rehbein, Sliter.

Total 4

Excused: Adams, Brown, Grinde, Hanson, Hurdle.

Total 5

Absent or not voting: Cobb, Ohs, Taylor, Mr. Speaker.

Total 4

Motion that **SB 325**, as amended, be concurred in carried as follows:

Ayes: Ahner, J. Andersen, Barnett, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Ewer, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McGee, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 82

Noes: Adams, S. Anderson, Barnhart, Beck, Buzzas, Erickson, Facey, Holden, Jore, Juneau, McCulloch, McKenney,

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Rehbein, Ryan, Story.
Total 15

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.
Total 1

Absent or not voting: Bitney, Mr. Speaker.
Total 2

SB 103 - Representative Krenzler moved **SB 103** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.
Total 90

Noes: Adams, Fuchs, McGee, Orr, Rehbein, Vick, Wagner.
Total 7

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.
Total 1

Absent or not voting: Stovall, Mr. Speaker.
Total 2

SB 108 - Representative Sliter moved consideration of **SB 108** be placed below **HB 302** on the second reading board. Motion carried.

Representative Tropila assumed the chair.

SB 113 - Representative Matthews moved **SB 113** be concurred in.

SB 113 - Representative Golie moved **SB 113**, second reading copy, be amended as follows :

1. Page 31, line 22.

Following: "the dealer."

Strike: "the dealer's spouse."

Amendment adopted as follows:

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Ayes: Ahner, J. Andersen, Barnhart, Beck, E. Bergsagel, P. Bergsagel, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Tropila, Tuss, Wagner, Williams, Witt, Younkin, Zook.

Total 69

Noes: S. Anderson, Barnett, Bitney, Bookout-Reinicke, Brainard, Curtiss, Gallus, Jore, Lawson, McCann, McKenney, Menahan, Molnar, Orr, Rehbein, Smith, Story, Trexler, Vick, Walters, Wyatt.

Total 21

Excused: Adams, Brown, Grinde, Hanson, Hurdle.

Total 5

Absent or not voting: Buzzas, Kasten, Peck, Taylor, Mr. Speaker.

Total 5

Motion that **SB 113**, as amended, be concurred in carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook.

Total 81

Noes: Adams, Brainard, Curtiss, Davies, Gallus, Jore, McGee, Molnar, Orr, Rehbein, Story, Vick, Wagner, Walters.

Total 14

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.

Total 1

Absent or not voting: Bitney, Simon, Tash, Mr. Speaker.

Total 4

SB 127 - Representative Pavlovich moved **SB 127** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici,

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Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.
Total 86

Noes: Adams, P. Bergsagel, Brainard, Davies, Holden, Jore, McGee, Orr, Rehbein, Vick, Wagner.
Total 11

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.
Total 1

Absent or not voting: Kasten, Mr. Speaker.
Total 2

Representative Pavlovich reassumed the chair.

SB 189 - Representative Trexler moved **SB 189** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 92

Noes: Jore, Wagner.
Total 2

Voted Absentee: Adams, Brown, Hanson, Taylor, Ayes.

Excused: Grinde, Hurdle.
Total 2

Absent or not voting: Gutsche, Hagener, Kasten, Vick.
Total 4

HB 524 - Representative Eggers moved **HB 524** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila,

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Tuss, Walters, Williams, Witt, Wyatt, Younkin, Mr. Speaker.
Total 82

Noes: P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Davies, Jackson, Jore, Kasten, Lawson, Orr, Rehbein, Somerville, Story, Vick, Wagner, Zook.
Total 16

Voted Absentee: Adams, Hanson, Taylor, Ayes; Brown, No.

Excused: Grinde, Hurdle.
Total 2

Absent or not voting: None.
Total 0

HB 302 - Representative Krenzler moved **HB 302** do pass. Motion carried as follows:

Ayes: J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Ohs, Pavlovich, Peck, Quillici, Raney, Schmidt, Simon, Smith, Soft, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.
Total 67

Noes: Adams, Barnhart, E. Bergsagel, P. Bergsagel, Brainard, Brown, Cobb, Curtiss, Dale, Davies, Hanson, Jore, Kasten, Lawson, McCann, McGee, Noennig, Orr, Rehbein, Rose, Shockley, Sliter, Somerville, Story, Taylor, Vick, Wagner.
Total 27

Voted Absentee: Adams, Brown, Hanson, Taylor, Noes.

Excused: Grinde, Hurdle.
Total 2

Absent or not voting: Ahner, Molnar, Ryan, Mr. Speaker.
Total 4

SB 108 - Representative Simon moved **SB 108** be concurred in.

SB 108 - Representative Trexler moved **SB 108**, second reading copy, be amended as follows :

1. Page 4, line 24.

Strike: "daily failure to comply with or daily"

Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney,

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Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook.

Total 90

Noes: None.

Total 0

Excused: Adams, Brown, Grinde, Hanson, Hurdle.

Total 5

Absent or not voting: Gutsche, Peck, Taylor, Wyatt, Mr. Speaker.

Total 5

Motion that **SB 108**, as amended, be concurred in carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCulloch, McKenney, Menahan, Molnar, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, R. Clark, Curtiss, Davies, Haines, Jore, Masolo, McCann, McGee, Mood, Ohs, Orr, Rehbein, Story, Vick, Wagner.

Total 19

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

SB 131 - Representative Krenzler moved **SB 131** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan,

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Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 85

Noes: Adams, P. Bergsagel, Brainard, R. Clark, Curtiss, Davies, Jore, McCann, McGee, Orr, Rehbein, Vick, Wagner.
Total 13

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.
Total 1

Absent or not voting: Fisher.
Total 1

SB 227 - Representative Anderson moved **SB 227** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 94

Noes: Galvin-Halcro, Orr, Peck, Wagner, Wyatt.
Total 5

Voted Absentee: Adams, Brown, Hanson, Hurdle, Taylor, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

Representative Tropila assumed the chair.

SB 245 - Representative Dell moved **SB 245** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney,

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Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook.

Total 93

Noes: Erickson, Galvin-Halcro, Wyatt.

Total 3

Voted Absentee: Adams, Brown, Hanson, Hurdle, Taylor, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Orr, Rehbein, Mr. Speaker.

Total 3

SB 272 - Representative Sliter moved consideration of **SB 272** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 351 - Representative Pavlovich moved **SB 351** be concurred in. Motion carried as follows:

Ayes: C. Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 76

Noes: Adams, Barnhart, E. Bergsagel, P. Bergsagel, Brainard, Curtiss, Davies, Guggenheim, Holden, Hurdle, Jackson, Johnson, Jore, Kasten, McGee, Orr, Peck, Rehbein, Soft, Story, Vick, Wagner.

Total 22

Voted Absentee: Brown, Hanson, Taylor, Ayes; Adams, Hurdle, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

SB 299 - Representative Facey moved **SB 299** be concurred in. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon,

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Sliter, Smith, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Wyatt, Younkin.
Total 74

Noes: Adams, J. Andersen, S. Anderson, Brainard, E. Clark, Davies, Fuchs, Hanson, Holden, Johnson, Jore, Lawson, Orr, Rehbein, Soft, Somerville, Story, Taylor, Vick, Wagner, Walters, Witt.
Total 22

Voted Absentee: Brown, Hurdle, Ayes; Adams, Hanson, Taylor, Noes.

Excused: Grinde.
Total 1

Absent or not voting: Pavlovich, Zook, Mr. Speaker.
Total 3

Representative Pavlovich reassumed the chair.

SB 176 - Representative Simon moved **SB 176** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 73

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Curtiss, Davies, Fuchs, Hedges, Holden, Jackson, Jore, Kasten, McGee, Molnar, Ohs, Orr, Rehbein, Sliter, Smith, Story, Trexler, Vick, Wagner, Walters.
Total 26

Voted Absentee: Brown, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

SB 290 - Representative Squires moved **SB 290** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt,

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Wyatt, Younkin, Zook.

Total 91

Noes: P. Bergsagel, Brainard, R. Clark, Jore, Orr, Rehbein, Wagner.

Total 7

Voted Absentee: Adams, Brown, Hanson, Hurdle, Taylor, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

SB 60 - Representative Wyatt moved **SB 60** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 83

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, R. Clark, Davies, Fuchs, Hanson, Jore, Orr, Rehbein, Sliter, Taylor, Vick, Wagner.

Total 15

Voted Absentee: Brown, Hurdle, Ayes; Adams, Hanson, Taylor, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

SB 72 - Representative Ohs moved **SB 72** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 88

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Noes: Davies, Eggers, Hagener, Hurdle, Jore, Orr, Rehbein, Wagner.
Total 8

Voted Absentee: Adams, Brown, Hanson, Taylor, Ayes; Hurdle, No.

Excused: Grinde.
Total 1

Absent or not voting: Dell, Story, Mr. Speaker.
Total 3

Representative Dell excused at this time.

SB 314 - Representative Sliter moved consideration of **SB 314** be passed for the day. Motion carried.

SB 214 - Representative Younkin moved **SB 214** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, E. Bergsagel, Bookout-Reinicke, Brainard, Buzzas, E. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 74

Noes: Adams, S. Anderson, Beck, P. Bergsagel, Bitney, Brown, P. Clark, Curtiss, Davies, Fuchs, Golie, Hanson, Holden, Hurdle, Jore, McGee, McKenney, Molnar, Mood, Orr, Rehbein, Sliter, Taylor, Vick, Wagner.
Total 25

Voted Absentee: Dell, Aye; Adams, Brown, Hanson, Hurdle, Taylor, Noes.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

SB 87 - Representative Anderson moved **SB 87** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Erickson, Ewer, Facey, Fisher, Fuchs, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Walters, Williams, Witt, Younkin, Zook.
Total 82

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Noes: Adams, Barnhart, Curtiss, Dell, Eggers, Gallus, Galvin-Halcro, Golie, Holden, Hurdle, Mangan, McGee, Tuss, Wagner, Wyatt.

Total 15

Voted Absentee: Brown, Hanson, Taylor, Ayes; Adams, Dell, Hurdle, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Gillan, Mr. Speaker.

Total 2

SB 165 - Representative Noennig moved **SB 165** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Beck, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Johnson, Juneau, Kasten, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 84

Noes: Adams, S. Anderson, Barnhart, E. Bergsagel, P. Clark, Davies, Hurdle, Jackson, Jore, Kitzenberg, Mood, Orr, Vick, Wagner.

Total 14

Voted Absentee: Brown, Dell, Hanson, Taylor, Ayes; Adams, Hurdle, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

SB 317 - Representative Walters moved **SB 317** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Erickson, Ewer, Facey, Fuchs, Gallus, Golie, Gutsche, Hanson, Harper, Harrington, Hedges, Jackson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Shockley, Simon, Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Younkin.

Total 64

Noes: Barnhart, P. Bergsagel, Buzzas, Curtiss, Davies, Eggers, Fisher, Galvin-Halcro, Gillan, Guggenheim, Hagener, Haines, Hibbard, Holden, Hurdle, Johnson, Jore, Kasten, Lawson, McGee, Molnar, Noennig, Orr, Peck, Rehbein, Schmidt, Sliter, Soft, Story, Tuss, Vick, Wagner, Wyatt, Zook.

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Total 34

Voted Absentee: Adams, Brown, Dell, Hanson, Taylor, Ayes; Hurdle, No.

Excused: Grinde.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

SB 222 - Representative Noennig moved **SB 222** be concurred in. Motion carried as follows:

Ayes: S. Anderson, Barnhart, Beck, Bitney, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Ohs, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 66

Noes: Adams, Ahner, J. Andersen, Barnett, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Haines, Holden, Jackson, Johnson, Jore, Kasten, McGee, McKenney, Molnar, Mood, Orr, Pavlovich, Rehbein, Sliter, Story, Stovall, Vick, Wagner, Walters.

Total 33

Voted Absentee: Brown, Dell, Hanson, Hurdle, Taylor, Ayes; Adams, No.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

Representative Tropila assumed the chair.

SB 243 - Representative P. Clark moved **SB 243** be concurred in.

SB 243 - Representative Molnar moved **SB 243**, second reading copy, be amended as follows :

1. Title, line 6 through line 7.

Strike: "REVISING" on line 6 through "ACT;" on line 7

2. Title, page 1, line 13.

Strike: "41-5-102,"

3. Page 2, line 2 through line 19.

Strike: section 1 in its entirety

Renumber: subsequent sections

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Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Fisher, Fuchs, Grinde, Haines, Hedges, Hibbard, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, Matthews, McGee, McKenney, Mood, Ohs, Orr, Rehbein, Rose, Simon, Sliter, Somerville, Story, Stovall, Tash, Trexler, Vick, Wagner, Walters, Younkin, Zook, Mr. Speaker.
Total 48

Noes: Barnhart, Beck, Buzzas, E. Clark, P. Clark, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Holden, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Thomas, Tropila, Tuss, Williams, Witt, Wyatt.
Total 44

Voted Absentee: Grinde, Aye.

Excused: Adams, Brown, Dell, Hanson, Hurdle, Taylor.
Total 6

Absent or not voting: Molnar, Shockley.
Total 2

Motion that **SB 243**, as amended, be concurred in carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Noennig, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 81

Noes: Adams, P. Bergsagel, Brown, Cobb, Galvin-Halcro, Golie, Holden, Jore, Kasten, Matthews, McKenney, Molnar, Ohs, Orr, Peck, Rehbein, Smith, Tuss, Wyatt.
Total 19

Voted Absentee: Dell, Grinde, Hanson, Hurdle, Taylor, Ayes; Adams, Brown, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 166 - Representative Pavlovich moved **SB 166** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Brainard, Buzzas, E.

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Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 88

Noes: Barnhart, E. Bergsagel, P. Bergsagel, Brown, Curtiss, Galvin-Halcro, Jore, Kasten, Orr, Rehbein, Wyatt.
Total 11

Voted Absentee: Adams, Dell, Hanson, Hurdle, Taylor, Ayes; Brown, No.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Pavlovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 86

Noes: Jore, Mangan, Rehbein, Smith, Tuss, Wyatt.
Total 6

Excused: Adams, Brown, Dell, Grinde, Hanson, Hurdle, Taylor.
Total 7

Absent or not voting: Fisher.
Total 1

MOTIONS

Representative Sliter moved that **SB 272** be rereferred to the Committee on Business & Labor. Motion carried.

Representative Dale requested on **SB 114**, 3rd reading today, that his vote be shown as a yes. There being no objections, so ordered.

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Representative Ryan requested on **SB 299**, 2nd reading today, that his vote be shown as a yes. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Whip Sliter moved that the House adjourn until 12:00 p.m., Monday, March 15, 1999. Motion carried.

House adjourned at 11:30 a.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House

**HOUSE JOURNAL
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Helena, Montana
March 15, 1999

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ahner. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-seventh legislative day, find the same to be correct.

Rehbein, Chairman

COMMUNICATIONS AND PETITIONS

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, In August of 1949, a 15 member crew of Forest Service smokejumpers parachuted into Mann Gulch on the Helena National Forest to suppress a small wildfire burning 25 miles north of Helena in the remote Gates of the Mountains Wild Area.

WHEREAS, events of this date describe that the fire eventually blew up and entrapped the 15 smokejumpers and another firefighter who had joined up with their crew. Only three of the men escaped the fire with their lives.

WHEREAS, the citizens of the State of Montana want to recognize on local, regional, and national levels, the 50th anniversary of the Mann Gulch Fire of August 5, 1949, and the year-long commemorative events planned to mark the anniversary.

WHEREAS, to heighten consciousness of the story of the Mann Gulch Fire and the 13 men who died there.

WHEREAS, to ensure that the memory of these men and the sacrifice they made 50 years ago for the State of Montana and their country is not forgotten.

THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

This body recognizes August 5, 1999 as "The Mann Gulch 50th Anniversary."

This tragic day in 1949 was the end of a race that 13 firefighters could not win.

The repercussions from this incident shall be remembered by a grateful state and nation.

This proclamation is signed by Senators Crippen and Doherty and Representatives Mercer and Swanson.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman):

3/15/1999

Correctly printed: **HB 11, HB 13, HB 135, HB 393, HB 622, HB 651, HB 654, SB 169, SB 434, SB 439.**

Correctly engrossed: **HB 302, HB 524, SB 60, SB 72, SB 87, SB 103, SB 108, SB 113, SB 127, SB 131, SB 165,**

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**SB 166, SB 176, SB 189, SB 214, SB 222, SB 227, SB 243, SB 245, SB 290, SB 299, SB 317,
SB 325, SB 351, SB 428.**

Correctly enrolled: **HB 52, HB 154, HB 352, HB 531, HJR 23.**

Examined by the sponsor and found to be correct: **HB 52, HB 154, HB 352, HB 531, HJR 23.**

Delivered to the Secretary of State, March 15, 1999: **HJR 3, HJR 22.**

Delivered to the Governor for his approval at 9:40 a.m., March 15, 1999: **HB 24, HB 94, HB 121, HB 168,
HB 171, HB 172, HB 357, HB 392, HB 571.**

Delivered to the Governor for his approval at 11:45 a.m., March 15, 1999: **HB 23, HB 41, HB 70, HB 110,
HB 123, HB 156, HB 190, HB 200, HB 231, HB 241, HB 274, HB 387, HB 454, HB 467.**

APPROPRIATIONS (Zook, Chairman):

3/15/1999

HB 4, introduced bill, be amended as follows:

1. Page 1, following line 24.

Insert:

"UI Reed Act	1999	38,500	Federal Funds
UI Integrity	1999	55,903	Federal Funds
UI YR2000 SBR	1999	2,319,334	Federal Funds

All remaining fiscal year 1998 federal budget amendment authority for Y2K Compliance-UID and Y2K Compliance-DOR Transfer is authorized to continue into fiscal year 2000."

2. Page 1, line 25.

Following: "for"

Insert: "the UI Integrity, the UI YR2000 SBR,"

3. Page 1, line 26.

Following: "Verification/Valid"

Insert: ", "

4. Page 1, following line 26.

Insert: "Job Service Division

Job Training-Grants	1999	2,035,218	Federal Funds
Job Training-Administration	1999	742,842	Federal Funds
R&A NAICS FY99	1999	37,603	Federal Funds
R&A NAICS	1999	40,000	Federal Funds
ETA One Stop LMI	1999	49,974	Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for R&A NAICS, EDWAA Buttrey Training Grant-Administration, and EDWAA Buttrey Training Grants is authorized to continue into federal fiscal year 2000.

Legal/Centralized Division

All remaining fiscal year 1998 federal budget amendment authority for Y2K Compliance-Legal/CSD is authorized to continue into federal fiscal year 2000.

Montana Community Services

MCS Cross Streams	1999	10,000	Federal Funds
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Americorps Promise Fellows 1999 85,000 Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for AmeriCorps Promise Fellows and OCS Montana America Reads is authorized to continue into fiscal year 2000.

Employment Relations Division
 ERD Safety 1999 77,000 Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for ERD Safety is authorized to continue into fiscal year 2000."

5. Page 1, following line 28.

Insert: "CERCLA99	1999	5,335	Federal Funds
SARA Title III	1999	35,700	Federal Funds
USDOT/HMEP	1999	58,847	Federal Funds"

6. Page 1, line 29.

Following: "Impact"

Insert: ", CERCLA99, SARA Title III, and USDOT/HMEP"

7. Page 1, following line 30.

Insert: "Military Capital Construction

All remaining fiscal year 1999 federal budget amendment authority for FY99 Construction is authorized to continue into federal fiscal year 2000.

Army National Guard
 Additional 100% Federal 1999 109,336 Federal Funds
 Environmental 1999 60,000 Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for Environmental is authorized to continue into fiscal year 2000.

Air National Guard
 Air Program 1999 116,143 Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for Air Program is authorized to continue into fiscal year 2000."

8. Page 2, following line 1.

Insert: "Health Policy and Services
 Birth Defect Surveillance 1999 90,000 Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for Birth Defect Surveillance and Mortal/Morbid Review is authorized to continue into fiscal year 2000."

9. Page 2, following line 4.

Insert: "Senior and Long-Term Care

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"Lien and Estate-Waiver 1999 162,883 Federal Funds
Lien and Estate-Nurse Home 1999 162,883 Federal Funds"

10. Page 2, following line 10.

Insert: " 98 Criminal History Records Improvement 1999 370,890 Federal Funds
98 Crime Victims BFS Federal 1999 72,000 Federal Funds"

11. Page 2, line 11.

Following: "the"

Insert: "98 Criminal History Records Improvement, the"

12. Page 2, line 12.

Following: "Registry"

Insert: ", "

13. Page 2, line 13.

Following: "for"

Insert: "98 Victims Assistance-Administration, 98 Victims Assistance Pass Thru, 98 Crime Victims BFS Federal,"

14. Page 2, line 21 through line 23.

Strike: lines 21 through 23 in their entirety

Insert: "Central Management Division

EPA-99PD-Program 10 1999 85,550 Federal Funds

Planning Prevention and Assistance Division

GPS/GIS	1999	10,000	Federal Funds
EPA/Wetlands-99	1999	321,397	Federal Funds
DOE/SEP-99	1999	50,000	Federal Funds
EPA-99PPG	1999	401,496	Federal Funds
EPA/SmBusConf/99-00	1999	80,000	Federal Funds
EPA/CWAP-NPS/99	1999	1,093,643	Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for EPA/Wetlands-99, EPA/SmBusConf/99-00, EPA/CWAP-NPS/99, and EPA/Greenhouse Climate Change is authorized to continue into fiscal year 2000.

Enforcement Division

EPA-99PPG	1999	9,040	Federal Funds
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Permitting/Compliance Division

FY97 PPG Pegasus	1999	193,658	Federal Funds
EPA-99PPG	1999	247,134	Federal Funds
Zortman/Landusky Set	1999	1,050,000	State Special
Zortman/Landusky Bond	1999	1,500,000	State Special
Additional Bond/Pegasus	1999	1,140,000	State Special"

15. Page 2, following line 25.

Insert: "Ecosystem and Watershed Management 1999 20,000 Federal Funds
Missouri River Study-BOR 1999 52,000 Federal Funds"

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16. Page 2, line 29.

Following: "1998"

Insert: "and fiscal year 1999"

17. Page 3, line 1.

Following: "for"

Insert: "Ecosystem and Watershed Management and"

18. Page 3, line 3, following line 2.

Insert: "Conservation and Resource Development Division
NRCS FY99/00 1999 15,000 Federal Funds

All remaining fiscal year 1999 federal budget amendment authority for NRCS FY99/00 is authorized to continue into fiscal year 2000."

19. Page 3, following line 5.

Insert: "Habitat Restoration Coordination 1999 20,000 Federal Funds
Parks Division
Federal Trails Act 1999 912,213 Federal Funds

Department of Transportation
Construction Division
Highway Construction Federal 1999 22,500,000 Federal Funds
Transportation Planning Division
Stars-State 1999 222,452 State Special
Stars-Federal 1999 889,809 Federal Funds

All remaining state and federal fiscal year 1999 authority for Stars-State and Stars-Federal is authorized to continue into fiscal year 2000.

State Library Commission
NRIS Program
Natural Resource Conservation 1999 11,500 Federal Funds

Department of Livestock
Animal Health Division
Bison Capture Facility 1999 225,000 Federal Funds

Department of Administration
Information Services Division
PDCR/Administration-Federal 1999 600,000 Federal Funds

The remaining fiscal year 1999 federal budget amendment authority for PDCR/Administration-Federal is authorized to continue into federal fiscal year 2000.

Department of Commerce
Economic Development Division
CDBG Economic Development-Federal 1999 750,000 Federal Funds

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Montana Arts Council

Promotion of the Arts

NEA/Arts Education	1999	14,100	Federal Funds
NEA/BSG	1999	43,845	Federal Funds
NEA/Locals Grant	1999	95,489	Federal Funds
BSG/Prior Year	1999	124,970	Federal Funds"

And, as amended, do pass. Report adopted.

HB 645, do pass. Report adopted.

HB 649, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):

3/15/1999

SB 71, be amended as follows:

1. Page 2, line 12.

Following: "37,"

Insert: "chapter 3, 5, 8, 11, 14, 20, 21, 25, 28, or 34,"

And, as amended, be concurred in. Report adopted.

SB 154, be amended as follows:

1. Title, line 7 through line 8.

Strike: "SUBMITTING" through "PROVISION;"

Following: "AN"

Insert: "IMMEDIATE"

2. Page 4, line 14 through line 22.

Strike: sections 2 and 3 in their entirety

Renumber: subsequent section

3. Page 4, line 24 through line 25.

Strike: "If" through "this" on line 24

Insert: "[This"

Following: "act"

Insert: "]"

Strike: "January 1, 2000"

Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

SB 240, be concurred in. Report adopted.

SB 374, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

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HB 670, introduced by B. Eggers, B. Crippen, S. Doherty, H. Harper, R. Jabs, G. Jergeson, C. Juneau, M. McCann, J. Mercer, A. Mohl, L. Nelson, F. Smith, E. Swanson, F. Thomas, referred to Business and Labor.

Representative Grinde moved that the House recess for the purpose of caucuses and reconvene at 1:00 p.m.

House recessed at 12:05 p.m.

House reconvened at 1:00 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ohs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 13 - Representative Johnson moved **HB 13** do pass.

HB 13 - Representative Matthews moved **HB 13**, second reading copy, be amended as follows :

1. Page 14.

Strike: line 19

Insert: "STEP BA BA+15 BA+30 BA+45 BA+60 BA+75"

2. Page 15.

Strike: line 21

Insert: "STEP BA BA+15 BA+30 BA+45 BA+60 BA+75"

Amendment failed as follows:

Ayes: Beck, Bookout-Reinicke, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Thomas, Tropila, Tuss, Williams, Wyatt.
Total 47

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Lawson, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Witt, Younkin.
Mr. Speaker.
Total 52

Excused: None.
Total 0

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Absent or not voting: Zook.

Total 1

HB 13 - Representative Cobb moved **HB 13**, second reading copy, be amended as follows :

1. Title, line 8.

Following: "PROGRAM;"

Insert: "REQUIRING A REDUCTION IN AUTHORIZED POSITIONS FOR CERTAIN AGENCIES;"

2. Title, line 12.

Following: line 11

Insert: "2-18-204,"

3. Page 3, line 25.

Insert: "Section 2. Section 2-18-204, MCA, is amended to read:

"2-18-204. Determination of number and classes of employees in each agency. (1) Based on documentation to be submitted by each agency, the department shall determine the classes of positions of employees of each agency or program thereof before the beginning of each fiscal year. At any time, upon request of the agency, the department may amend the classes of positions of employees in any agency or program thereof.

(2) Based on documentation to be submitted by each agency, the budget director shall determine the number of positions and employees (full-time equivalents) of each agency or program thereof prior to preparation of the executive budget and before the beginning of each fiscal year. At any time, upon the request of the agency, the budget director may amend the number of positions or employees (full-time equivalents) in any agency or program thereof.

(3) This section does not limit legislative authority to amend the determinations of the department or the budget director.

(4) (a) By September 1, 2000, each agency other than those referred to in subsection (4)(b) shall identify the specific positions that are to be removed from the list of authorized positions provided for in 2-18-206. The number of positions that are to be removed must be sufficient to equal a reduction of 3% of the amount of personal services appropriated for fiscal year 2001. Each agency and the budget director shall use the modified list of authorized positions in the preparation of the executive budget. The list prepared pursuant to this subsection must be provided to the legislative fiscal analyst and the office of budget and program planning.

(b) Subsection (4)(a) does not apply to an agency that has less than 85 authorized positions, the legislative branch, the judicial branch, any program with 50% or more elected officials, or the university system."

Renumber: subsequent sections

4. Page 7, line 29.

Following: "accomplishments,"

Insert: "on"

5. Page 21, line 8.

Strike: "9"

Insert: "10"

6. Page 21, line 20.

Strike: "7, 9"

Insert: "8, 10"

7. Page 21, line 21.

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Strike: "10"

Insert: "11"

8. Page 21, line 22.

Strike: "8"

Insert: "9"

Amendment adopted as follows:

Ayes: Adams, Ahner, J. Andersen, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Hurdle, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Masolo, McCann, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Peck, Raney, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 62

Noes: Beck, Buzzas, P. Clark, R. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Juneau, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Pavlovich, Quilici, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Williams, Wyatt.

Total 37

Excused: None.

Total 0

Absent or not voting: S. Anderson.

Total 1

HB 13 - Representative Haines moved **HB 13**, second reading copy, be further amended as follows :

1. Page 20, line 14.

Following: "month."

Insert: "For employees of the Montana university system, the employer contribution for group benefits is \$285 a month for the period from July 1999 through June 2000 and \$295 a month for the period from July 2000 through June 2001 and for each succeeding month."

2. Page 21, line 15.

Strike: "2,476,602 1,033,080 5,719,201 2,685,205"

Insert: "2,711,658 1,160,385 5,880,749 2,765,221"

Amendment adopted as follows:

Ayes: J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brainard, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Wyatt, Younkin, Mr. Speaker.

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Total 72

Noes: Adams, Ahner, E. Bergsagel, P. Bergsagel, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Holden, Jackson, Jore, Kasten, Lawson, McGee, Molnar, Orr, Peck, Rehbein, Story, Taylor, Vick, Wagner, Walters, Witt, Zook.

Total 27

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

HB 13 - Representative Quilici moved **HB 13**, second reading copy, be further amended as follows :

1. Page 21, line 15.

Strike: "2,476,602 1,033,080 5,719,201 2,685,205"

Insert: "2,962,819 1,467,705 6,889,163 3,731,151"

Amendment failed as follows:

Ayes: S. Anderson, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Mood, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Squires, Swanson, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin.

Total 47

Noes: Adams, Ahner, J. Andersen, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, McCann, McGee, McKenney, Molnar, Noennig, Orr, Peck, Rehbein, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Vick, Wagner, Walters, Zook, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 13 - Representative Johnson moved **HB 13**, second reading copy, be further amended as follows :

1. Page 13, line 27.

Strike: "1999, UNTIL THE FIRST DAY OF THE PAY PERIOD THAT INCLUDES October 1, 2000,"

Insert: "1998, and thereafter"

2. Page 15, line 3 through page 16, line 4.

Strike: in their entirety

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Insert:

"1	23,642	24,351	25,082	25,834	26,609	27,407
2	24,351	25,082	25,834	26,609	27,407	28,230
3	25,082	25,834	26,609	27,407	28,230	29,077
4	25,834	26,609	27,407	28,230	29,077	29,949
5	26,609	27,407	28,230	29,077	29,949	30,847
6	27,407	28,230	29,077	29,949	30,847	31,773
7	28,230	29,077	29,949	30,847	31,773	32,726
8	29,077	29,949	30,847	31,773	32,726	33,708
9	29,949	30,847	31,773	32,726	33,708	34,719
10	30,847	31,773	32,726	33,708	34,719	35,761
11	31,773	32,726	33,708	34,719	35,761	36,833
12	32,726	33,708	34,719	35,761	36,833	37,938
13	33,708	34,719	35,761	36,833	37,938	39,077"

Clerical amendment:

Page 13, line 25.

Strike: "(1)"

(to reflect amendment 2)

Amendment adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Jore, Orr, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: Erickson.

Total 1

Motion that **HB 13**, as amended, do pass carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harrington, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck,

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Quilici, Raney, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 69

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brown, Curtiss, Davies, Dell, Fuchs, Grinde, Hanson, Harper, Jackson, Jore, Kasten, Krenzler, Lawson, Lenhart, McCann, McGee, Molnar, Orr, Rehbein, Story, Taylor, Tuss, Vick, Wagner, Walters.

Total 29

Excused: None.

Total 0

Absent or not voting: Hedges, Rose.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ohs moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dell, Eggers, Ewer, Facey, Gallus, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harrington, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Tash, Thomas, Trexler, Tropila, Witt, Younkin, Zook, Mr. Speaker.

Total 73

Noes: Barnhart, E. Bergsagel, P. Bergsagel, Davies, Erickson, Fuchs, Galvin-Halcro, Harper, Jore, Kasten, Mangan, McGee, Molnar, Rehbein, Story, Swanson, Taylor, Tuss, Vick, Wagner, Walters, Williams, Wyatt.

Total 23

Excused: None.

Total 0

Absent or not voting: Dale, Fisher, Hedges, Masolo.

Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 302 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, McCulloch, McKenney, Menahan, Molnar, Mood, Ohs, Pavlovich, Peck,

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Quilici, Raney, Rose, Ryan, Schmidt, Simon, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 71

Noes: Adams, Barnhart, E. Bergsagel, P. Bergsagel, Brainard, Brown, R. Clark, Curtiss, Dale, Davies, Grinde, Hanson, Jore, Kasten, McCann, McGee, Noennig, Orr, Rehbein, Shockley, Somerville, Taylor, Vick, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: E. Clark, Hedges, Masolo, Matthews, Sliter.

Total 5

HB 524 passed as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Mr. Speaker.

Total 76

Noes: Adams, S. Anderson, P. Bergsagel, Bitney, Brown, Davies, Hanson, Jackson, Jore, Kasten, Lawson, Molnar, Orr, Rehbein, Shockley, Sliter, Somerville, Story, Vick, Wagner, Walters, Zook.

Total 22

Excused: None.

Total 0

Absent or not voting: Hedges, Trexler.

Total 2

HB 555 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 89

Noes: Adams, P. Bergsagel, Hurdle, Jore, Krenzler, McCann, Orr, Shockley, Sliter, Vick.

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Total 10

Excused: None.

Total 0

Absent or not voting: Hedges.

Total 1

SB 60, as amended by the House, concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 81

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Davies, Fuchs, Grinde, Hanson, Jore, Molnar, Mood, Orr, Rehbein, Sliter, Taylor, Vick, Wagner, Walters.

Total 18

Excused: None.

Total 0

Absent or not voting: Hedges.

Total 1

SB 72, as amended by the House, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 95

Noes: Davies, Hurdle, Jore, Orr, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 87 concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, P. Clark, R. Clark, Cobb, Dale, Davies, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Jackson, Johnson, Jore, Juneau, Kasten, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 86

Noes: Adams, E. Bergsagel, Curtiss, Dell, Gallus, Galvin-Halcro, Holden, Hurdle, Kitzenberg, Mangan, McGee, Tuss, Wyatt.

Total 13

Excused: None.

Total 0

Absent or not voting: E. Clark.

Total 1

SB 103, as amended by the House, concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 92

Noes: Adams, Dale, Fuchs, McGee, Orr, Rehbein, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SB 127 concurred in as follows:

Ayes: J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro,

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Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 88

Noes: Adams, Ahner, E. Bergsagel, P. Bergsagel, Brainard, Davies, Jore, McGee, Orr, Rehbein, Vick, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 131 concurred in as follows:

Ayes: J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 86

Noes: Adams, Ahner, P. Bergsagel, Bitney, Brainard, R. Clark, Davies, Grinde, Jore, Orr, Rehbein, Vick, Wagner, Walters.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 165, as amended by the House, concurred in as follows:

Ayes: J. Andersen, Barnett, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, R. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook.

Total 77

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Total 22

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

SB 166 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, Cobb, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, E. Bergsagel, P. Bergsagel, Brown, R. Clark, Curtiss, Dale, Galvin-Halcro, Grinde, Jore, Kasten, Mood, Orr, Rehbein, Sliter, Tuss, Wyatt.

Total 17

Excused: None.

Total 0

Absent or not voting: P. Clark, Fisher.

Total 2

SB 176, as amended by the House, concurred in as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 74

Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Curtiss, Dale, Fuchs, Grinde, Holden, Jore, Kasten, McGee, Molnar, Mood, Orr, Rehbein, Sliter, Smith, Story, Vick, Wagner, Walters.

Total 25

Excused: None.

Total 0

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Absent or not voting: Tropila.

Total 1

SB 189, as amended by the House, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 95

Noes: Brainard, Jore, Orr, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: R. Clark.

Total 1

SB 214, as amended by the House, concurred in as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 82

Noes: Adams, S. Anderson, P. Bergsagel, Brown, P. Clark, Curtiss, Davies, Fuchs, Golie, Holden, Hurdle, Jore, Molnar, Orr, Rehbein, Taylor, Vick, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 222, as amended by the House, concurred in as follows:

Ayes: S. Anderson, Barnhart, Beck, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey,

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Gallus, Galvin-Halcro, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Juneau, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

Total 65

Noes: Adams, Ahner, J. Andersen, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Holden, Jackson, Johnson, Jore, Kasten, McGee, Molnar, Mood, Ohs, Orr, Rehbein, Sliter, Vick, Wagner, Walters.

Total 32

Excused: None.

Total 0

Absent or not voting: Gillan, Krenzler, Witt.

Total 3

SB 227 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 94

Noes: Eggers, Galvin-Halcro, Hagener, Shockley, Wagner, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 245 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila,

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Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 96

Noes: Erickson, McGee, Orr, Wagner.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 290 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.
Total 89

Noes: P. Bergsagel, Brainard, R. Clark, Dale, Jore, McGee, Orr, Rehbein, Wagner..
Total 9

Excused: None.
Total 0

Absent or not voting: Taylor, Witt.
Total 2

SB 299 concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, P. Clark, R. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Smith, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin.
Total 70

Noes: Adams, J. Andersen, S. Anderson, P. Bergsagel, Brainard, E. Clark, Curtiss, Dale, Davies, Fuchs, Hanson, Holden, Johnson, Jore, Kasten, Lawson, McCann, McGee, Orr, Rehbein, Sliter, Soft, Story, Taylor, Vick, Wagner, Walters, Zook.
Total 28

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Excused: None.

Total 0

Absent or not voting: Simon, Mr. Speaker.

Total 2

SB 317 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, Barnett, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Erickson, Ewer, Facey, Fuchs, Gallus, Golie, Grinde, Guggenheim, Gutsche, Hanson, Harper, Harrington, Hedges, Jackson, Juneau, Kitzenberg, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Pavlovich, Quilici, Raney, Rose, Ryan, Shockley, Simon, Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 65

Noes: S. Anderson, Barnhart, E. Bergsagel, P. Bergsagel, Buzzas, Curtiss, Davies, Eggers, Fisher, Galvin-Halcro, Gillan, Hagener, Haines, Hibbard, Holden, Hurdle, Johnson, Jore, Kasten, Krenzler, Lawson, McGee, Noennig, Ohs, Orr, Peck, Rehbein, Schmidt, Sliter, Soft, Story, Tuss, Vick, Wagner, Wyatt.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 351 concurred in as follows:

Ayes: S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Gutsche, Hagener, Haines, Hanson, Harrington, Hedges, Hibbard, Juneau, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 67

Noes: Adams, Ahner, J. Andersen, Barnhart, E. Bergsagel, P. Bergsagel, Brainard, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Guggenheim, Harper, Holden, Hurdle, Jackson, Johnson, Jore, Kasten, Krenzler, McGee, Mood, Orr, Peck, Rehbein, Soft, Story, Thomas, Vick, Wagner, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 428 concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Grinde, Holden, Jackson, Jore, Kasten, McGee, Molnar, Ohs, Orr, Rehbein, Sliter, Smith, Story, Taylor, Tuss, Vick, Wagner.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Witt requested on **HB 524**, 3rd reading today, that his vote be changed from no to yes. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 9:00 a.m., Tuesday, March 16, 1999. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House

**SENATE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 18, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. Acting President Halligan presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Jabs, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the sixtieth legislative day, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

3/18/1999

Correctly printed: SB 308, SB 521, SB 522, SJR 15, HB 65, HB 76, HB 106, HB 275, HB 304, HB 362, HB 411, HB 414, HB 419, HB 551, HB 583, HB 585, HJR 12, HJR 19, HJR 31.

Correctly engrossed: HB 53, HB 310, HB 399.

Correctly enrolled: SB 187, SB 289.

Examined by the sponsor and found to be correct: SB 187, SB 289.

Signed by the President at 4:15 p.m., March 17, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.

Signed by the Secretary of Senate at 10:00 a.m., March 18, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.

Signed by the Speaker at 11:20 a.m., March 18, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.

BUSINESS AND INDUSTRY (Hertel, Chairman):

3/17/1999

HB 47, be amended as follows:

1. Page 2, line 1.

Strike: "3"

Insert: "5"

2. Page 2, line 1 through line 3.

Strike: "EXCEPT" on line 1 through "VIOLATION" on line 3

And, as amended, be concurred in. Report adopted.

HB 186, be amended as follows:

1. Title, page 1, line 6.

Following: " ; "

Insert: "CLARIFYING RESPONSIBILITY OF A FINANCIAL INSTITUTION ACTING AS AN ACCOUNT ADMINISTRATOR OF MEDICAL CARE SAVINGS ACCOUNTS;"

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2. Page 2, line 22.

Following: "(1)"

Insert: "(a)"

3. Page 2, line 23.

Following: "and"

Insert: ", except as provided in subsection (1)(b),"

4. Page 2, line 24.

Following: "."

Insert: "(b)"

5. Page 2, line 26.

Strike: ". A"

Insert: "or share account and has the same rights and duties pertaining to the account as pertain to a regular deposit or share account. Notwithstanding any other provision of this chapter, a"

Following: "for"

Insert: "determining whether a medical expense is eligible or nonreimbursable or for"

Following: "funds"

Insert: "if the account holder attests that withdrawals are for eligible and nonreimbursable medical expenses"

And, as amended, be concurred in. Report adopted.

HB 196, be concurred in. Report adopted.

HB 306, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):

3/18/1999

HB 125, be concurred in. Report adopted.

HB 348, be amended as follows:

1. Title, page 1, lines 4 and 5.

Following: "ACT" on line 4

Strike: remainder of line 4 through "MEET;" on line 5

2. Page 1, line 17.

Following: "~~district~~,"

Insert: "in first class elementary districts, not less than one regular meeting each month; or
(d) in any other district,"

3. Page 1, line 20.

Following: "~~(1)(d)~~"

Insert: "or (1)(d)"

And, as amended, be concurred in. Report adopted.

HB 509, be concurred in. Report adopted.

HJR 20, be concurred in. Report adopted.

HJR 21, be concurred in. Report adopted.

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JUDICIARY (Grosfield, Chairman):
HB 180, be amended as follows:

3/17/1999

1. Title, line 6.

Following: "SERVICES"

Insert: "OR A GUARDIAN AD LITEM"

2. Title, line 8 through line 9.

Following: "GUARDIANSHIPS;" on line 8

Strike: remainder of line 8 through "RIGHTS;" on line 9

3. Page 5, line 10.

Following: "shall:"

Insert: ":"

4. Page 5, line 11.

Following: "(a)"

Insert: "(a)"

5. Page 5, line 20.

Following: "examined"

Insert: "; and

(b) in its discretion, enter any other order that it determines to be in the best interests of the child that does not require an expenditure of money by the department unless the department is notified and a court hearing is set in a timely manner on the proposed expenditure. The department is the payor of last resort after all family, insurance, and other resources have been examined"

6. Page 6, line 14.

Strike: "Department approved guardianship"

Insert: "Abuse and neglect proceedings -- appointment of guardian"

7. Page 6, line 15.

Following: "department"

Insert: "or guardian ad litem"

8. Page 6, line 17.

Following: "41-3-607."

Insert: "The guardianship may be subsidized by the department under subsection (8) if the guardianship meets the department's criteria, or the guardianship may be nonsubsidized."

9. Page 6, line 20.

Following: line 19

Insert: "(a) the department has given its written consent to the appointment of the guardian, whether the guardianship is to be subsidized or not;"

Renumber: subsequent subsections

10. Page 6, line 20.

Following: "(a)"

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Insert: "if the guardianship is to be subsidized, the department has given its"

Following: "consent"

Strike: "of the department has been given"

11. Page 6, line 26.

Following: "old"

Insert: "or the child is in a group of siblings, at least one of whom is at least 12 years old, and the guardianship is in the best interests of the siblings"

12. Page 7, line 1.

Following: "interests;"

Insert: "and"

13. Page 7, line 2.

Strike: subsection (h) in its entirety

Renumber: subsequent subsections

14. Page 7, line 5 through line 7.

Following: "proceedings" on line 5

Strike: remainder of line 5 through "PART" on line 7

15. Page 7, line 10.

Following: "subsidy"

Insert: ", if any,"

16. Page 7, line 25.

Following: "if"

Insert: "the guardianship meets the department's criteria and if"

17. Page 7, line 30.

Following: "**no**"

Insert: "no"

18. Page 8, line 19.

Strike: "A"

Insert: "no"

19. Page 8, line 20 through line 21.

Following: "relationship." on line 20

Strike: remainder of line 20 through "CONSTRUED." on line 21

And, as amended, be concurred in. Report adopted.

HB 204, be amended as follows:

1. Title, line 10.

Following: "APPEAL;"

Insert: "REVISING CRIMINAL JURISDICTION OF JUSTICES' COURTS;"

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2. Title, line 11.

Following: "3-10-101"

Strike: "AND"

Insert: ", "

Following: "3-10-301,"

Insert: "AND 3-10-303,"

3. Page 3, line 10.

Insert: "Section 5. Section 3-10-303, MCA, is amended to read:

"3-10-303. Criminal jurisdiction. (1) The justices' courts have jurisdiction of public offenses committed within the respective counties in which the courts are established as follows:

(1)(a) except as provided in subsection (2), jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months, or both;

(2)(b) jurisdiction of all misdemeanor violations of fish and game statutes punishable by a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both;

(3)(c) concurrent jurisdiction with district courts of all misdemeanors punishable by a fine exceeding \$500 or imprisonment exceeding 6 months, or both;

(4)(d) concurrent jurisdiction with district courts of all misdemeanor violations of fish and game statutes punishable by a fine exceeding \$1,000 or imprisonment exceeding 6 months, or both;

(5)(e) jurisdiction to act as examining and committing courts and for that purpose to conduct preliminary hearings;

(6)(f) jurisdiction of all violations of Title 61, chapter 10; and

(7)(g) all misdemeanor violations of Title 81, chapter 8, part 2.

(2) In any county that has established a drug court, the district court, with the consent of all judges of the courts of limited jurisdiction in the county, has concurrent jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months, or both. "

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 209, be amended as follows:

1. Page 20, line 11.

Following: "COURT"

Insert: "and the prosecutor"

2. Page 20, line 21.

Insert: "(4) The court may not accept a plea of nolo contendere in a case involving a sexual offense, as defined in 46-23-502."

3. Page 22, line 27.

Following: "or"

Insert: "may, with the consent of the court and the prosecutor, enter a plea of"

4. Page 22, line 29.

Following: "plea"

Insert: "and the court determines that there is a factual basis for the plea"

And, as amended, be concurred in. Report adopted.

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HB 366, be amended as follows:

1. Title, line 8.

Following: "TERMINATED;"

Insert: "AND"

2. Title, line 10 through line 11.

Following: "MCA" on line 10

Strike: remainder of line 10 through "DATE" on line 11

3. Page 6, line 25.

Following: "commissioners."

Insert: "guardian ad litem,"

4. Page 7, line 29.

Following: "child."

Strike: "WITH THE CHILD'S CONSENT, THE"

Insert: "The"

5. Page 12, line 30.

Following: "ANY"

Strike: "INTERESTED PERSON"

Insert: "party"

6. Page 15, line 7 through line 8.

Following: "cause" on line 7

Strike: remainder of line 7 through the first "PLACEMENT" on line 8

Insert: "a show cause"

7. Page 15, line 8.

Following: "cause"

Strike: "EMERGENCY PLACEMENT"

Insert: "show cause"

8. Page 15, line 11.

Page 15, line 19.

Page 15, line 21.

Strike: "EMERGENCY PLACEMENT"

Insert: "show cause"

9. Page 15, line 25.

Following: "cause"

Strike: "AN EMERGENCY PLACEMENT"

Insert: "a show cause"

10. Page 17, line 24.

Strike: "EMERGENCY PLACEMENT"

Insert: "show cause"

11. Page 24, line 5.

Following: "UPON THE"

Strike: "DECLARATION"

Insert: "stipulation of the parties or upon a judicial finding"

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12. Page 25, line 5.

Following: "GUARDIAN"

Strike: ", AFTER A HEARING, IN THE ABSENCE OF A COURT"

Insert: "pursuant to a stipulation and"

Following: "ORDER"

Insert: "or order of the court"

13. Page 28, line 24 through line 25.

Strike: subsection (4) in its entirety

Insert: "(4) The department may provide a subsidy for a guardianship of a child who is in the department's legal custody if the guardianship has been approved by the department in accordance with eligibility criteria established by department rule."

14. Page 31, line 3.

Strike: section 22 in its entirety

And, as amended, be concurred in. Report adopted.

HB 593, be amended as follows:

1. Page 1, line 18.

Strike: "Mediation"

Insert: "Except upon written agreement of the parties and the mediator, mediation"

2. Page 1, line 21.

Following: "private"

Strike: ", except upon written agreement of the parties and the mediator"

3. Page 1, line 23.

Strike: "executed"

Insert: "signed, written"

4. Page 1, line 28.

Strike: "an executed"

Insert: "a signed, written"

5. Page 2, line 18.

Following: "to"

Insert: "in writing"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

3/18/1999

HB 96, be concurred in. Report adopted.

HB 429, be concurred in. Report adopted.

HB 485, be concurred in. Report adopted.

HB 539, be concurred in. Report adopted.

HJR 8, be concurred in. Report adopted.

HJR 11, be concurred in. Report adopted.

HJR 17, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):

3/18/1999

HB 266, be amended as follows:

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1. Title, line 8.

Following: "APPLY TO"

Insert: "COVERAGE BY HEALTH MAINTENANCE ORGANIZATIONS,"

Following: "EMPLOYEES"

Insert: ", "

2. Title, line 10.

Following: "33-22-131,"

Insert: "33-31-102, 33-31-111,"

3. Page 4, line 21.

Following: line 20

Insert: "Section 3. Section 33-31-102, MCA, is amended to read:

"33-31-102. **Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Affiliation period" means a period that, under the terms of the health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective.

(2) "Basic health care services" means:

(a) consultative, diagnostic, therapeutic, and referral services by a provider;

(b) inpatient hospital and provider care;

(c) outpatient medical services;

(d) medical treatment and referral services;

(e) accident and sickness services by a provider to each newborn infant of an enrollee pursuant to 33-31-301(3)(e);

(f) care and treatment of mental illness, alcoholism, and drug addiction;

(g) diagnostic laboratory and diagnostic and therapeutic radiologic services;

(h) preventive health services, including:

(i) immunizations;

(ii) well-child care from birth;

(iii) periodic health evaluations for adults;

(iv) voluntary family planning services;

(v) infertility services; and

(vi) children's eye and ear examinations conducted to determine the need for vision and hearing correction;

(i) minimum mammography examination, as defined in 33-22-132; and

(j) treatment and medical foods for phenylketonuria inborn errors of metabolism. "Treatment" means licensed professional medical services under the supervision of a physician and a dietary formula product to achieve and maintain normalized blood levels of phenylalanine and adequate nutritional status "Medical foods" and "treatment" have the meanings provided for in 33-22-131.

(3) "Commissioner" means the commissioner of insurance of the state of Montana.

(4) "Enrollee" means a person:

(a) who enrolls in or contracts with a health maintenance organization;

(b) on whose behalf a contract is made with a health maintenance organization to receive health care services; or

(c) on whose behalf the health maintenance organization contracts to receive health care services.

(5) "Evidence of coverage" means a certificate, agreement, policy, or contract issued to an enrollee setting forth the coverage to which the enrollee is entitled.

(6) "Health care services" means:

(a) the services included in furnishing medical or dental care to a person;

(b) the services included in hospitalizing a person;

(c) the services incident to furnishing medical or dental care or hospitalization; or

(d) the services included in furnishing to a person other services for the purpose of preventing, alleviating, curing, or healing illness, injury, or physical disability.

(7) "Health care services agreement" means an agreement for health care services between a health

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maintenance organization and an enrollee.

(8) "Health maintenance organization" means a person who provides or arranges for basic health care services to enrollees on a prepaid basis, either directly through provider employees or through contractual or other arrangements with a provider or a group of providers. This subsection does not limit methods of provider payments made by health maintenance organizations.

(9) "Insurance producer" means an individual, partnership, or corporation appointed or authorized by a health maintenance organization to solicit applications for health care services agreements on its behalf.

(10) "Person" means:

- (a) an individual;
- (b) a group of individuals;
- (c) an insurer, as defined in 33-1-201;
- (d) a health service corporation, as defined in 33-30-101;
- (e) a corporation, partnership, facility, association, or trust; or
- (f) an institution of a governmental unit of any state licensed by that state to provide health care, including but not limited to a physician, hospital, hospital-related facility, or long-term care facility.

(11) "Plan" means a health maintenance organization operated by an insurer or health service corporation as an integral part of the corporation and not as a subsidiary.

(12) "Point-of-service option" means a delivery system that permits an enrollee of a health maintenance organization to receive health care services from a provider who is, under the terms of the enrollee's contract for health care services with the health maintenance organization, not on the provider panel of the health maintenance organization.

(13) "Provider" means a physician, hospital, hospital-related facility, long-term care facility, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, registered pharmacist, or advanced practice registered nurse, as specifically listed in 37-8-202, who treats any illness or injury within the scope and limitations of the provider's practice or any other person who is licensed or otherwise authorized in this state to furnish health care services.

(14) "Provider panel" means those providers with whom a health maintenance organization contracts to provide health care services to the health maintenance organization's enrollees.

(15) "Purchaser" means the individual, employer, or other entity, but not the individual certificate holder in the case of group insurance, that enters into a health care services agreement.

(16) "Uncovered expenditures" mean the costs of health care services that are covered by a health maintenance organization and for which an enrollee is liable if the health maintenance organization becomes insolvent."

Insert: "Section 4. Section 33-31-111, MCA, is amended to read:

"33-31-111. Statutory construction and relationship to other laws. (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to any health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

- (a) prohibitions against interference with certain communications as provided under chapter 1, part 8;
- (b) the provisions of Title 33, chapter 22, part 19;
- (c) the requirements of 33-22-134 and 33-22-135; or
- (d) network adequacy and quality assurance requirements provided under chapter 36.

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(7) Sections ~~33-22-131~~, 33-22-141, 33-22-142, 33-22-246, 33-22-247, 33-22-514, 33-22-523, 33-22-524, and 33-22-526 apply to health maintenance organizations. ""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Cole, Chairman):
HB 182, be amended as follows:

3/17/1999

1. Title, lines 8 and 9.

Strike: "PROVIDING" on line 8 through "ACCOUNT;" on line 9

2. Title, line 22.

Strike: "70-9-803"

Insert: "19-20-502"

3. Page 9, line 30.

Following: "board."

Insert: "The board may enter into agreements with federal agencies, political subdivisions, or state agencies for the purpose of administering the retirement system.

(3) Retirement benefits not claimed within 5 years after the member's death are forfeited and revert to the retirement system trust fund."

4. Page 13, line 18.

Strike: "Uniform Unclaimed Property Act and probate"

Insert: "Probate"

5. Page 13, lines 19 through 22.

Strike: "(1)" on line 19 through "(2)" on line 22

6. Page 61, line 22 through page 64, line 14.

Strike: section 96 in its entirety

Insert: "Section 96. Section 19-20-502, MCA, is amended to read:

"19-20-502. **Restrictions on use of moneys money.** (1) No member of the retirement board or any of its employees may:

(a) have an interest, direct or indirect, in the gains or profits of any investment of **moneys money** of the retirement system, except as ~~herein provided in this section~~;

(b) directly or indirectly, for ~~himself the member~~ or as an agent, in any manner use the **moneys money** or deposits of the retirement system except to make ~~such~~ current and necessary expenditures as are authorized by the retirement board;

(c) become an endorser or surety or in any manner an obligor for **moneys money** loaned by or borrowed from the retirement system.

(2) The assets of the retirement system may not be used for or diverted to any purpose other than for the exclusive benefit of the members and their beneficiaries and for paying the reasonable expenses of administering the retirement system. The board may enter into agreements with federal agencies, political subdivisions, or state agencies for the purpose of administering the retirement system."

7. Page 67.

Following: line 30

Insert: "(2) [Section 19] is intended to be codified as an integral part of Title 19, chapter 20, part 5, and the provisions of Title 19, chapter 20, part 5, apply to [section 19]."

Renumber: subsequent subsections

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8. Page 70, line 25.

Strike: "Sections"

Insert: "Section"

Strike: "and 96"

Strike: "apply"

Insert: "applies"

And, as amended, be concurred in. Report adopted.

HB 412, be amended as follows:

1. Page 1, line 27.

Strike: "FINDINGS"

Insert: "identification of features or places containing that word"

2. Page 2, line 3.

Following: "state"

Insert: "or for public use"

3. Page 2, line 6.

Strike: "geological survey"

Insert: "board on geographic names"

4. Page 2, line 7.

Strike: "geological survey"

Insert: "board on geographic names"

And, as amended, be concurred in. Report adopted.

HB 625, be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 5.

Following: line 11

Insert: "NEW SECTION. Section 8. Termination. [This act] terminates October 1, 2003."

And, as amended, be concurred in. Report adopted.

Senator Toews excused at this time.

MESSAGES FROM THE GOVERNOR

March 17, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, Montana 59620

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Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 8** sponsored by Senator D. Hargrove, **Senate Bill 116** sponsored by Senator B. Glaser, **Senate Bill 155** sponsored by Senator Berry, **Senate Bill 162** sponsored by Senator Crismore et al., **Senate Bill 191** sponsored by Senator Jabs et al., **Senate Bill 246** sponsored by Senator Mahlum et al., and **Senate Bill 347** sponsored by Senator S. Stang on March 17, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

SB 54 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 54:

3/17/1999

Representative Soft, Chairman
Representative Ahner
Representative Hurdle

SB 113 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 113:

3/18/1999

Representative Anderson, Chairman
Representative Lawson
Representative Matthews

SB 325 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Free conference committee to meet with a like committee from the Senate to confer on SB 325:

3/18/1999

Representative Story, Chairman
Representative Golie
Representative Rehbein

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 531, introduced by T. Beck, J. Lynch, D. Shea, C. Swysgood, referred to Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 60, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 72, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 165, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 176, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 189, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 214, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 260, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 45

Nays: Doherty, Eck, Ellingson, Jergeson, Waterman.
Total 5

Paired: Jabs, Toews, Ayes; Ellingson, Jergeson, Noes.

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 521 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 44

Nays: Devlin, Franklin, Keenan, Swysgood.
Total 4

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

HB 65 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

HB 275, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Jabs, Toews.
Total 2

HB 304, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

HB 362 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

HB 399, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 38

Nays: Bishop, Christiaens, Devlin, Franklin, Keenan, Miller, Nelson, Swysgood, Taylor, Wells.
Total 10

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

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HB 414 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 419 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 551, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 47

Nays: Wells.

Total 1

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

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HB 583 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 222 - House Amendments - Senator S. Doherty moved House amendments to SB 222 be concurred in. Motion carried unanimously.

SB 103 - House Amendments - Senator E. Franklin moved House amendments to SB 103 be concurred in. Motion carried unanimously.

SB 108 - House Amendments - Senator D. Berry moved House amendments to SB 108 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Roush, Sprague, Swysgood, Taylor, Thomas, Waterman, Wells, Mr. President.
Total 33

Nays: Cocchiarella, DePratu, Doherty, Ellingson, Franklin, Halligan, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Shea, Stang, Tester, Wilson.
Total 15

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SJR 10 - Senator M. Cole moved SJR 10 be adopted. Motion carried unanimously.

HB 430 - Senator V. Cocchiarella moved HB 430 be concurred in. Motion carried unanimously.

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HB 469 - Senator J. Wells moved HB 469, second reading copy, be amended as follows :

1. Title, lines 5 and 6.

Following: "THAT" on line 5

Strike: remainder of line 5 through "STATE" on line 6

Insert: "EACH EMPLOYEE MAY SELECT ONE-HALF OF 1 REGULAR WORK DAY EACH YEAR AS A"

2. Page 1, line 28.

Strike: "the day before"

Strike: "24"

Insert: "25"

3. Page 1, line 29.

Strike: "Christmas Day, December 25"

Insert: "one-half of 1 regular work day of the employee's choice, consisting of 4 contiguous hours"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Keating, Keenan, McNutt, Mesaros, Miller, Sprague, Swysgood, Taylor, Thomas, Wells, Mr. President.
Total 25

Nays: Bartlett, Beck, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Franklin, Halligan, Holden, Jergeson, Lynch, Mahlum, McCarthy, Mohl, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 23

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

HB 469 - Senator J. Tester moved HB 469, second reading copy, be further amended as follows :

1. Title, page 1, lines 5 and 6.

Strike: "DELETING" on line 5 through "HOLIDAY;" on line 6

2. Title, page 1, line 11.

Strike: "SECTIONS 1-1-216 AND"

Insert: "SECTION"

3. Page 1, line 15 through page 2, line 1.

Strike: Section 1 in its entirety

Renumber: subsequent sections

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 22

Nays: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Wells, Mr.

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President.
Total 26

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

HB 469 - Senator J. Wells moved HB 469, as amended, be concurred in. After discussion, Senator Wells made a substitute motion that consideration of HB 469 be placed below HB 53 on the second reading board for purpose of further amendment. Motion carried with Senators Cocchiarella and Tester voting nay.

HB 508 - Senator J. Lynch moved HB 508 be concurred in. Motion carried unanimously.

HB 580 - Senator E. Franklin moved HB 580 be concurred in. Motion carried unanimously.

HB 616 - Senator B. Wilson moved HB 616 be concurred in. Motion carried unanimously.

HB 620 - Senator J. Tester moved HB 620 be concurred in. Motion carried unanimously.

HJR 26 - Senator K. Miller moved HJR 26, second reading copy, be amended as follows :

1. Title, page 1, line 7.

Following: "~~AND~~"

Insert: "CLOSURES AND "

2. Page 2, line 13.

Following: "ROAD"

Insert: "closure and"

3. Page 2, line 14.

Following: "ROAD"

Insert: "closure and"

Amendment **adopted** unanimously.

HJR 26 - Senator G. Jergeson moved HJR 26, as amended, be concurred in. Motion carried unanimously.

HJR 27 - Senator G. Jergeson moved HJR 27, second reading copy, be amended as follows :

1. Page 1, line 16 through line 18.

Strike: "PROMPTED" on line 16 through "advocating" on line 18

Insert: "responding to external pressures, are poised to implement"

2. Page 1, line 20 through line 21.

Strike: "PROMPTED" on line 20 through "advocating that" on line 21

Insert: "responding to external pressures, are preparing to transfer"

3. Page 1, line 22.

Strike: "be transferred"

Amendment **adopted** unanimously.

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HJR 27 - Senator G. Jergeson moved HJR 27, as amended, be concurred in. Motion carried unanimously.

SB 308 - Senator J. Bohlinger moved SB 308 do pass. Motion carried unanimously.

SB 522 - Senator M. Cole moved SB 522 do pass. Motion carried unanimously.

HB 53 - Senator S. Doherty moved HB 53 be concurred in. Motion carried with Senator Ellingson voting nay.

HB 469 - Senator J. Wells moved consideration of HB 469, as amended, be passed for the day for purpose of further amendment. Motion carried.

HB 76 - Senator D. Grimes moved HB 76 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Harp, Hertel, Holden, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Wilson.

Total 38

Nays: Bartlett, Christiaens, Cocchiarella, Ellingson, Grosfield, Halligan, Hargrove, Jergeson, Waterman, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Acting President Halligan in the chair. Chairman Taylor moved the Committee of the Whole report be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 325

Report No. 1, March 18, 1999

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 325** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 325** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "ACCLAMATION"

Insert: "WHEN THE NUMBER OF CANDIDATES FILING FOR A POSITION OR FILING A DECLARATION OF INTENT AS A WRITE-IN CANDIDATE IS EQUAL TO THE NUMBER OF POSITIONS TO BE ELECTED AND"

2. Page 1, line 11.

Following: "candidates"

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Strike: "nominated"

Insert: "filing for a position or filing a declaration of intent to be a write-in candidate under 13-10-211"

3. Page 1, line 12.

Strike: "or less than"

4. Page 1, line 13.

Following: "held."

Insert: "Notice must be given no later than 14 days before the election."

5. Page 1, line 15.

Strike: "a nomination petition"

Following: "position"

Insert: "or who filed a declaration of intent to be a write-in candidate"

For the Senate:

Hertel, Chairman

Wells

Waterman (unsigned)

For the House:

Story, Chairman

Golie

Rehbein

SPECIAL ORDERS OF THE DAY

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA**

WHEREAS, on Saturday, March 13, 1999, the Kremlin-Gildford KouGars basketball team won the State Class C basketball championship; and

WHEREAS, Charlie Robinson, the victorious coach of the KouGars has led this team to back-to-back championships, a feat that has been duplicated just two times since 1955; and

WHEREAS, the KouGars ended up first out of 108 teams that opened the season; and

WHEREAS, the team from this tiny Hi-Line consolidated school, with just 59 students in grades 9 through 12, has set a fine example for young people from small communities all over Montana; and

WHEREAS, the Kremlin-Gildford KouGars have brought continued pride in self, District 9C, and the communities of the area.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the congratulations of all Montanans be extended to the Kremlin-Gildford KouGars for their achievement.

BRUCE CRIPPEN

Senate President

JOHN A. MERCER

Speaker of the House of Representatives

STEVE DOHERTY

Senate Minority Leader

JOHN HARP

Senate Majority Leader

JON TESTER

Senate District 45

TONI HAGENER

Representative, District 90

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Senator Tester moved that the Kremlin-Gildford KouGars Proclamation be adopted. Motion carried.

MOTIONS

HB 583 - Senator Beck moved he be allowed to change his vote on HB 583, third reading this legislative day, from nay to yea. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Friday, March 19, 1999. Motion carried.

Senate adjourned at 3:12 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate

**SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 19, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Beck, McCarthy, Mesaros, Swysgood, Toews and Waterman, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the sixty-first legislative day, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

3/19/1999

Correctly printed: SB 308, SB 522, SB 531, SJR 10, HB 53, HB 76, HB 96, HB 125, HB 196, HB 306, HB 429, HB 430, HB 485, HB 508, HB 509, HB 539, HB 580, HB 616, HB 620, HJR 8, HJR 11, HJR 17, HJR 20, HJR 21.

Correctly engrossed: HB 47, HB 180, HB 182, HB 186, HB 204, HB 209, HB 266, HB 348, HB 366, HB 412, HB 593, HB 625.

Correctly enrolled: SB 112, SB 128.

Examined by the sponsor and found to be correct: SB 112, SB 128.

Signed by the President at 3:40 p.m., March 18, 1999: SB 187, SB 289.

Signed by the Secretary of Senate at 9:10 a.m., March 19, 1999: SB 187, SB 289.

Delivered to the Governor for his approval at 9:10 a.m., March 19, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman):

3/19/1999

SB 361, introduced bill, be amended as follows:

1. Title, line 14 through line 15.

Strike: "PROVIDING" on line 14 through "PROVISIONS;" on line 15

2. Title, line 18.

Following: first "MCA;"

Strike: "AND"

Following: second "MCA"

Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 5, line 4.

Following: "goats,"

Strike: "and"

Following: "87-4-406"

Insert: ", and other animals for purposes of disease prevention, control, and eradication"

4. Page 9, line 8.

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Strike: subsection (3) in its entirety

Renumber: subsequent subsections

5. Page 9, line 13.

Strike: "livestock"

Insert: "fish, wildlife, and parks"

6. Page 10, line 9.

Following: "licensing,"

Strike: "reports and recordkeeping, exterior fencing,"

7. Page 10, line 10.

Following: "~~87-4-410~~,"

Insert: "classification of certain species under 87-4-424, removal of game animals under 87-4-410 and [section 28(8)], unlawful capture under 87-4-418,"

8. Page 10, lines 10 and 11.

Following: "87-4-413," on line 10

Strike: remainder of line 10 through "health," on line 11

9. Page 10, line 13.

Strike: "fish, wildlife, and parks"

Insert: "livestock"

10. Page 10, lines 15 and 16.

Following: "to" on line 15

Strike: remainder of line 15 through "87-4-424" on line 16

Insert: "reports and recordkeeping, marking, inspection, transportation, importation, quarantine, hold orders, interior facilities, health"

11. Page 11, line 16.

Insert: "(3) When an application is considered completed, the department shall provide a copy of the application to the department of livestock."

Renumber: subsequent subsection

12. Page 11, line 21.

Following: "completion and"

Insert: "department of livestock"

13. Page 12, line 5.

Strike: "of fish, wildlife, and parks"

14. Page 12, lines 8 and 9.

Following: "department" on line 8

Strike: remainder of line 8 through "parks" on line 9

15. Page 12, lines 9 and 10.

Following: "department" on line 9

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Strike: remainder of line 9 through "parks" on line 10

16. Page 12, lines 27 through page 13, line 2.

Strike: subsections (2) and (3) in their entirety

Insert: "(2) The department of livestock shall assess a fee, not to exceed \$50, for each alternative livestock imported into the state."

Renumber: subsequent subsection

17. Page 13, line 3.

Strike: "The "

Insert: "(a) One-half of the"

Following: "pursuant to"

Strike: "this section"

Insert: "subsection (1)"

18. Page 13, line 4.

Following: "part."

Insert: "(b) One-half of the fees collected pursuant to subsection (1) and all import fees collected pursuant to subsection (2) must be deposited in the state special revenue fund for the use of the department of livestock for purposes of this part."

19. Page 13, line 8.

Strike: "January 31"

Insert: "March 1"

20. Page 13, line 24.

Following: "department"

Insert: "and the department of livestock"

21. Page 13, line 25.

Following: "(2)"

Strike: "After" through "of"

Strike: "an" through "the"

Insert: "The"

Following: "department"

Insert: "of livestock"

22. Page 13, line 27.

Strike: "books"

Insert: "records"

23. Page 13, line 28.

Following: "(3)"

Strike: "Prior" through "on"

Insert: "On"

Following: first "department"

Strike: "and the department"

Insert: "of livestock"

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24. Page 13, line 29.

Strike: "of fish, wildlife, and parks"

Following: "shall"

Strike: "jointly"

25. Page 14, line 10.

Following: "livestock"

Insert: "of livestock"

26. Page 14, line 12.

Following: "livestock"

Insert: "of livestock"

27. Page 14, line 14.

Following: "livestock"

Insert: "of livestock"

28. Page 14, line 19.

Following: "livestock"

Insert: "of livestock"

29. Page 14, line 22.

Following: "livestock"

Insert: "of livestock"

30. Page 15, line 2.

Following: "Except"

Strike: "for" through "81-2-703"

Insert: "as otherwise provided in this part"

31. Page 15, line 11.

Strike: "department-designated"

Insert: "department of livestock designated"

32. Page 15, line 14.

Following: "livestock"

Insert: "of livestock"

33. Page 15, line 21.

Following: "livestock"

Insert: "of livestock"

34. Page 15, line 23.

Strike: "fish, wildlife, and parks"

Insert: "livestock"

35. Page 16, line 13.

Following: "department"

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Insert: "of livestock"

36. Page 16, line 24.

Following: "department"

Insert: "of livestock"

37. Page 16, line 28.

Following: "department"

Insert: "of livestock"

38. Page 16, line 29.

Following: "department"

Insert: "of livestock"

39. Page 17, line 1.

Following: "department"

Insert: "of livestock"

40. Page 17, line 4.

Following: "department"

Insert: "of livestock"

Following: "report"

Insert: "any violations of this section and"

41. Page 17, line 5.

Following: "department"

Strike: "of fish, wildlife, and parks"

Following: "."

Insert: "If requested, the total number of alternative livestock on an alternative livestock ranch must be made available to the department."

42. Page 17, line 14.

Following: "owner"

Insert: "similar to other livestock"

43. Page 17, line 18.

Following: "part"

Insert: "over which the department has jurisdiction"

44. Page 17, line 20.

Following: "(2)"

Insert: "The department of livestock may adopt and enforce rules that are necessary to implement the provisions of this part over which the department of livestock has jurisdiction. (3)"

45. Page 18, line 6.

Following: "department"

Insert: "of livestock"

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46. Page 18, line 8.

Following: first "department"

Insert: "of livestock"

47. Page 18, line 9.

Following: "proceedings"

Insert: "upon recommendation of the department of livestock"

48. Page 18, line 10.

Following: "(4)"

Strike: "(a)"

49. Page 18, line 17 through line 19.

Strike: subsection (b) in its entirety

50. Page 18, line 24.

Strike: "of fish, wildlife, and parks"

51. Page 18, line 29.

Following: "livestock"

Insert: "of livestock"

52. Page 19, line 1.

Following: "livestock"

Insert: "of livestock"

53. Page 19, line 4.

Following: "livestock"

Insert: "of livestock"

54. Page 19, line 6.

Following: ~~"available."~~

Insert: "If requested, copies of import permits issued by the department of livestock must be shared with the department within 10 calendar days. Other pertinent documentation relating to importation must be shared as it becomes available."

55. Page 19, line 9.

Following: "rules"

Insert: "-- attorney fees"

56. Page 19, line 22.

Following: "with"

Insert: "the approval of the department of livestock and with"

57. Page 21, line 6.

Following: "(6)"

Insert: "If the applicant is successful in appealing the department's proposed decision pursuant to 87-4-428 or subsection (5) of this section, the applicant is entitled to all or a portion of the reasonable attorney fees and

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costs incurred by the applicant in bringing forth the appeal.
(7)"

58. Page 22, line 27.

Following: "department"

Insert: "of livestock"

59. Page 23, line 19.

Following: "**livestock**" in two places

Insert: "of livestock" in two places

60. Page 23, lines 20 and 21.

Following: "department" on line 20

Strike: remainder of line 20 through "parks" on line 21

61. Page 23, line 28.

Following: "**livestock**"

Insert: "and the department of livestock"

62. Page 23, line 29.

Following: "**livestock**"

Insert: "and the department of livestock"

63. Page 24, line 4.

Following: "department"

Insert: "of livestock"

64. Page 24, line 7.

Strike: "fish, wildlife, and parks"

Insert: "livestock"

65. Page 24, lines 9 and 10.

Following: "department of" on line 9

Strike: remainder of line 9 through first "parks" on line 10

Insert: "livestock"

66. Page 24, line 10.

Following: "department of"

Strike: "fish, wildlife, and parks"

Insert: "livestock"

67. Page 24, line 12.

Following: "department"

Insert: "of livestock"

68. Page 24, line 29.

Following: "department of"

Strike: "fish, wildlife, and parks"

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Insert: "livestock"

69. Page 24, line 30.

Following: "department of"

Strike: "fish, wildlife, and parks"

Insert: "livestock"

70. Page 25, line 4.

Following: "department"

Insert: "of livestock"

71. Page 25, line 5.

Following: "department"

Insert: "of livestock"

72. Page 25, line 6.

Following: "department"

Insert: "of livestock"

73. Page 25, line 8.

Following: "department"

Insert: "of livestock"

74. Page 25, line 9.

Following: "department of"

Strike: "fish, wildlife, and parks"

Insert: "livestock"

75. Page 25, line 15.

Following: "department"

Strike: "of fish, wildlife, and parks"

76. Page 25, line 21.

Following: "review."

Insert: "(1)"

77. Page 25, line 22.

Following: "department of"

Strike: "fish, wildlife, and parks"

Insert: "livestock"

Following: "by"

Strike: "October"

Insert: "July"

78. Page 25, lines 24 through 26.

Following: "ranch." on line 24

Strike: remainder of line 24 through line 26 in their entirety

Insert: "(2) In consultation with the department of livestock, the department shall select a contractor to prepare the

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programmatic environmental review, which must be in the form of an environmental impact statement.

(3) In addition to the department of livestock, the department shall seek the assistance and participation of other governmental agencies that have special expertise in areas that should be addressed in the programmatic.

(4) For an alternative livestock ranch license application that is received after July 1, 2000, the department shall conduct an environmental review, if required, using the programmatic and tiering environmental impacts to the programmatic.

(5) If an environmental review, assessment, or impact statement is required relative to an application for an alternative livestock ranch license, the department of livestock shall prepare the portions of the environmental review, assessment, or impact statement pertaining to those functions over which the department of livestock has jurisdiction and shall make any necessary recommendations to the department regarding issuance of the license.

79. Page 25, line 30 through page 26, line 1.

Strike: section 31 in its entirety

Renumber: subsequent section

80. Page 26, line 3 through line 7.

Following: "voidness."

Strike: remainder of line 3 through "(2)" on line 7

81. Page 26, line 7 through line 9.

Following: "fund the"

Strike: remainder of line 7 through "fund the" on line 9

82. Page 26, line 12 through line 14.

Strike: section 33 in its entirety

Insert: NEW SECTION. Section 32. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 1999.

(2) [Sections 29(1), (2), (3), and (5)] and this section are effective July 1, 1999."

And, as amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hertel, Chairman):

3/19/1999

HB 201, be concurred in. Report adopted.

HB 250, be concurred in. Report adopted.

HB 264, be concurred in. Report adopted.

HB 390, be concurred in. Report adopted.

FINANCE AND CLAIMS (Swysgood, Chairman):

3/19/1999

HB 470, be amended as follows:

1. Title, page 1, line 7 through line 9.

Following: "GRANT;"

Strike: "APPROPRIATING" on line 7 through "PROVIDERS;" on line 9

2. Page 1, line 22 through line 28.

Strike: section 2 in its entirety

Renumber: subsequent section

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And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):
HB 395, be amended as follows:

3/19/1999

1. Title, page 1, line 6.

Following: "DATE"

Strike: "AND"

Insert: ", "

2. Title, page 1, line 7.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 4, line 11.

Following: line 10

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates July 1, 2001."

And, as amended, be concurred in. Report adopted.

HB 461, be amended as follows:

1. Title, page 1, lines 4 and 5.

Following: "ALLOWING" on line 4

Strike: remainder of line 4 through "INSPECTORS" on line 5

Insert: "STATE PLUMBING BOARD AND STATE ELECTRICAL BOARD COMPLIANCE OFFICERS"

2. Title, page 1, line 8.

Following: "37-69-308,"

Insert: "AND"

Following: "37-69-319,"

Strike: "50-60-106, 50-60-510, AND 50-60-604,"

3. Page 1, line 17.

Strike: "11"

Insert: "8"

4. Page 1, line 18.

Strike: "12]"

Insert: "9]"

5. Page 2, line 13.

Strike: "(2)"

Strike: "EXCEPT" through "fines"

Insert: "Fees"

6. Page 2, line 15.

Following: line 14

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Insert: "(2) Fines collected under this chapter must be deposited in the state general fund."

7. Page 2, line 15 through line 18.

Strike: subsection (3) in its entirety

8. Page 2, line 27.

Strike: "A building code compliance officer or an"

Insert: "An"

9. Page 2, line 30.

Strike: "compliance officer or"

10. Page 3, line 23.

Strike: "or collected as fines"

11. Page 3, line 24.

Strike: ", EXCEPT AS PROVIDED IN SUBSECTION (2)."

12. Page 2, line 28.

Strike: "12]"

Insert: "9]"

13. Page 3, line 26 through line 29.

Following: "(2)" on line 26

Strike: remainder of line 26 through "ENFORCEMENT" on line 29

Insert: "Fines collected under this chapter must be deposited in the state general fund"

14. Page 4, line 8.

Following: "(2)"

Strike: "A building code compliance officer or an"

Insert: "An"

15. Page 4, line 9.

Strike: "11]"

Insert: "8]"

16. Page 4, line 11.

Strike: "compliance officer or"

17. Page 4, line 13 through page 6, line 29.

Strike: sections 8 through 10 in their entirety

Renumber: subsequent sections

18. Page 7, line 3.

Strike: "or" through "officer"

19. Page 7, line 18.

Strike: "PERSON'S EMPLOYER"

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Insert: "board office"

20. Page 7, line 21.

Strike: "appropriate authority identified on the citation"

Insert: "board"

21. Page 7, line 22.

Following: "THE"

Strike: "AUTHORITY"

Insert: "board"

22. Page 7, lines 23 and 24.

Strike: "AND" on line 23 through "QUESTION" on line 24

23. Page 7, line 30.

Strike: "of" through "officer"

24. Page 8, line 15.

Strike: "PERSON'S EMPLOYER"

Insert: "board office"

25. Page 8, line 19.

Following: "THE"

Strike: "AUTHORITY"

Insert: "board"

26. Page 8, lines 20 and 21.

Strike: "AND" on line 20 through "QUESTION" on line 21

27. Page 8, line 25 through page 9, line 1.

Strike: section 13 in its entirety

Renumber: subsequent sections

28. Page 9, line 3.

Following: "is"

Strike: "[SECTIONS 11 AND 13] ARE"

Insert: "[Section 8] is"

29. Page 9, lines 4 through 6.

Following: "PART 3" on line 4

Strike: "; AND Title 50, chapter 60, part 5" on line 5

Following: "PART 3" on line 5

Strike: "; AND Title 50, chapter 60, part 5"

Strike: "[SECTIONS 11 AND 13]" on line 6

Insert: "[Section 8]"

30. Page 9, lines 7 through 9.

Strike: "[SECTIONS 12 AND 13] ARE" on line 7

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Insert: "[Section 9] is"

Following: "PART 3" on line 8

Strike: "; AND Title 50, chapter 60, part 6"

Following: "3" on line 9

Strike: "; AND Title 50, chapter 60, part 6" on line 9

Strike: "[SECTIONS 12 AND 13]"

Insert: "[section 9]"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):
HB 91, be amended as follows:

3/19/1999

1. Title, page 1, line 10 and line 11.

Strike: "PROVIDING" on line 10 through "CONSTITUTION;" on line 11

2. Title, line 12.

Strike: "IMMEDIATE"

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 2, line 17 through line 19.

Strike: "[and" on line 17 through "constitution]" on line 19

4. Page 7, line 6.

Following: "electors"

Insert: "voting on the question"

5. Page 7, line 18.

Following: "electors"

Insert: "voting on the question"

6. Page 8, line 30 through page 9, line 2.

Strike: section 10 in its entirety

Renumber: subsequent section

7. Page 9, line 4.

Strike: "on passage and approval"

Insert: "July 1, 1999"

8. Page 9.

Following: line 4

Insert: "NEW SECTION. Section 11. Applicability. [This act] applies to proceedings begun after June 30, 1999. A building permit issued prior to July 1, 1999, is subject to the conditions in effect at the time that the permit was issued."

And, as amended, be concurred in. Report adopted.

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HB 205, be concurred in. Report adopted.
HB 300, be concurred in. Report adopted.
HB 336, be concurred in. Report adopted.
HB 353, be concurred in. Report adopted.
HB 443, be concurred in. Report adopted.
HJR 29, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 18, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 91** sponsored by Senator C. Swysgood and **Senate Bill 201** sponsored by Senator McNutt et al on March 18, 1999.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 532, introduced by W. McNutt, T. Beck, D. Berry, A. Bishop, C. Christiaens, V. Cocchiarella, B. Crippen, B. DePratu, G. Devlin, D. Eck, P. Ekegren, A. Ellis, E. Franklin, B. Glaser, D. Grimes, L. Grosfield, M. Halligan, D. Hargrove, J. Harp, J. Hertel, R. Holden, R. Jabs, B. Keenan, J. Lynch, D. Mahlum, L. Nelson, G. Roush, D. Shea, M. Sprague, B. Story, C. Swysgood, M. Taylor, F. Thomas, D. Toews, J. Wells, B. Wilson (by request of Senate Taxation Standing Committee), referred to Taxation.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJR 16, introduced by K. Miller, P. Bergsagel, M. Cole, W. Crismore, D. Haines, B. Keenan, M. McCann, P. Sliter, M. Taylor, F. Thomas, D. Toews, referred to Education and Cultural Resources.
SJR 17, introduced by D. Eck, referred to Natural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 103, as amended by the House, passed as follows:

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Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: Devlin.

Total 1

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

SB 108, as amended by the House, passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McNutt, Miller, Mohl, Roush, Shea, Sprague, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 39

Nays: DePratu, Keating, Keenan, McCarthy, Nelson, Stang.

Total 6

Paired: Eck, Aye; McCarthy, No.

Absent or not voting: None.

Total 0

Excused: Beck, Mesaros, Swysgood, Toews, Waterman.

Total 5

SB 222, as amended by the House, passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

SB 308 passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

SB 522 passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

HB 53, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 43

Nays: Ellingson.
Total 1

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Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 76 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Franklin, Glaser, Grimes, Halligan, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 36

Nays: Bartlett, Christiaens, Eck, Ellingson, Grosfield, Hargrove, Jergeson, Nelson, Waterman.

Total 9

Paired: Miller, Aye; Waterman, No.

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews.

Total 5

HB 430, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 508 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 42

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Nays: Devlin, Mohl.

Total 2

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 580, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 616 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 620, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor,

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Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HJR 26, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: Bartlett.

Total 1

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HJR 27, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

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SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Mahlum in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 404 - Senator F. Thomas moved consideration of HB 404 be passed for the day. Motion carried.

HB 469 - Senator J. Wells moved consideration of HB 469 be passed for the day. Motion carried.

HB 106 - Senator J. Tester moved HB 106 be concurred in. Motion carried unanimously.

HB 310 - Senator M. Halligan moved HB 310, second reading copy, be amended as follows :

1. Page 2, line 9 through line 25.

Strike: subsection (3) in its entirety

Insert: "(3)(a) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e) and subject to the provisions of subsection (3)(b), the youth court shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's suspected drug use or criminal activity, if after an investigation has been completed:

(i) the youth has admitted the allegation or a petition has been filed with the youth court; and
(ii) a juvenile probation officer has reason to believe that a youth is currently involved with drug use or other criminal activity that has a bearing on the safety of children.

(b) Notification under subsection (3)(a) may not be given for status offenses.

(c) A school district may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education Act or the federal Americans With Disabilities Act of 1990."

Amendment **adopted** as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 310 - Senator K. Miller moved HB 310, as amended, be concurred in. Motion carried unanimously.

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HB 411 - Senator D. Grimes moved HB 411 be concurred in. Motion carried unanimously.

HB 585 - Senator J. Wells moved HB 585 be concurred in. Motion carried unanimously.

HJR 12 - Senator G. Roush moved HJR 12 be concurred in. Motion carried unanimously.

HJR 19 - Senator A. Ellis moved HJR 19 be concurred in. Motion carried unanimously.

HJR 31 - Senator B. Wilson moved HJR 31 be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Mr. President.

Total 41

Nays: Ellis, Wilson.

Total 2

Absent or not voting: Bartlett.

Total 1

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

SB 325 - Free Conference Committee Report No. 1 - Senator J. Hertel moved the Free Conference Committee report to SB 325 be adopted. Motion carried unanimously.

HB 47 - Senator F. Thomas moved HB 47 be concurred in. Motion carried unanimously.

HB 96 - Senator T. Keating moved HB 96 be concurred in. Motion carried unanimously.

HB 125 - Senator W. Glaser moved HB 125 be concurred in. Motion carried unanimously.

HB 180 - Senator M. Halligan moved HB 180 be concurred in. Motion carried unanimously.

HB 182 - Senator D. Hargrove moved HB 182 be concurred in. Motion carried unanimously.

HB 204 - Senator S. Doherty moved HB 204 be concurred in. Motion carried unanimously.

Senator Tester excused at this time.

HB 209 - Senator S. Bartlett moved HB 209 be concurred in. Motion carried unanimously.

HB 266 - Senator C. Christiaens moved HB 266 be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs,

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Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Tester, Toews, Waterman.

Total 7

HB 306 - Senator J. Hertel moved HB 306 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Mahlum moved the Committee of the Whole report be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 113
Report No. 1, March 19, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 113** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 113** (reference copy -- salmon) be amended as follows:

1. Page 31, line 22.

Following: "~~spouse,~~"

Insert: "the dealer's spouse,"

For the Senate:

Mahlum, Chairman
Hertel
Roush

For the House:

Anderson, Chairman
Lawson
Matthews (unsigned)

MOTIONS

HB 469 - Senator J. Wells moved that consideration of HB 469 be passed until the sixty-fourth legislative day, March 22, 1999. Motion carried.

SB 243 - Senator Harp moved that the President be authorized to appoint a Conference Committee, and request the House to appoint a like committee, to confer on House Amendments to SB 243. Motion carried. The president

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appointed the following members:

Senator Thomas, Chairman
Senator Grimes
Senator Halligan

SPECIAL ORDERS OF THE DAY

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, Jill Lombardi, an esteemed resident of Helena, Montana and a student at C.R. Anderson Middle School, has achieved national recognition for exemplary volunteer service by receiving a 1999 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Lombardi earned this award by serving on the Helena Youth Advisory Council and taking a leadership role over the past year in two council projects: a skateboard park and "Martin Luther King Volunteer Day." Jill recruited interested skateboarders to advise the council on the design of the proposed park, and then helped secure a \$50,000 grant to build it. For the volunteer day, Jill analyzed community needs, arranged volunteer projects, coordinated celebration activities and recruited volunteers. This special day had such a positive impact on the community that Jill and the youth council plan to host it again next year, and

WHEREAS, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Lombardi who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ON THE ELEVENTH DAY OF MARCH IN THE YEAR 1999:

That the congratulations of all Montanans be extended to Jill Lombardi as a recipient of a Prudential Spirit of Community Award, for her outstanding record of volunteer service, peer leadership and community spirit, and that all Montanans extend best wishes for her continued success and happiness.

SUE BARTLETT
Senator, District 27

CHASE HIBBARD
Representative, District 54

BRUCE D. CRIPPEN
President of the Senate

JOHN A. MERCER
Speaker of the House

STEVE DOHERTY
Senate Minority Leader

EMILY SWANSON
House Minority Leader

Senator Bartlett moved that the Lombardi Proclamation be adopted. Motion carried as follows:

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Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Tester, Toews, Waterman.

Total 7

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA**

WHEREAS, Doug Swingley has won the 1999 Iditarod Trail Sled Dog Race; and

WHEREAS, Doug Swingley also won the race in 1995 and remains the only non-Alaskan native to win the 1,100-mile race from Anchorage to Nome, Alaska; and

WHEREAS, Doug Swingley, a Simms, Montana native who now resides in Lincoln, Montana, had the largest margin of victory in the race since 1992; and

WHEREAS, Doug Swingley, the self-proclaimed "Unamusher", used Treasure State dogs in reaching the apex of sled dog racing; and

WHEREAS, Doug Swingley overcame the obstacle of two broken sleds in winning the race, showing the type of perseverance and ingenuity in which Montanans take pride; and

WHEREAS, Doug Swingley proudly proclaims his Montana heritage and residence and acts as an inspiration for all Montanans.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the congratulations of all Montanans be extended to Doug Swingley for the exceptional qualities he has shown to friends and fans everywhere.

BRUCE D. CRIPPEN
Senate President

KEN MESAROS
Senator, District. 25

JOHN A. MERCER
Speaker of the House

JOHN COBB
Representative, District 50

STEVE DOHERTY
Senate Minority Leader

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Senator Doherty moved the Swingley Proclamation be adopted. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Tester, Toews, Waterman.

Total 7

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Saturday, March 20, 1999. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate